



LANDLORDS SAFETY MANUAL

(Landlord Facilities Health, Safety & Welfare Management System)

MANUAL DISTRIBUTION

This Manual is available to all Staff

ELECTRONIC VERSION OF MANUAL:	
Review Date: July 2023	
Next Review Date: February 2024	
FILING LOCATION	PARTIES WITH ACCESS TO VIEW
Landlord Safety Manual 2023.pdf	All Staff

Approved by the HSEHR Committee on 10th August 2023

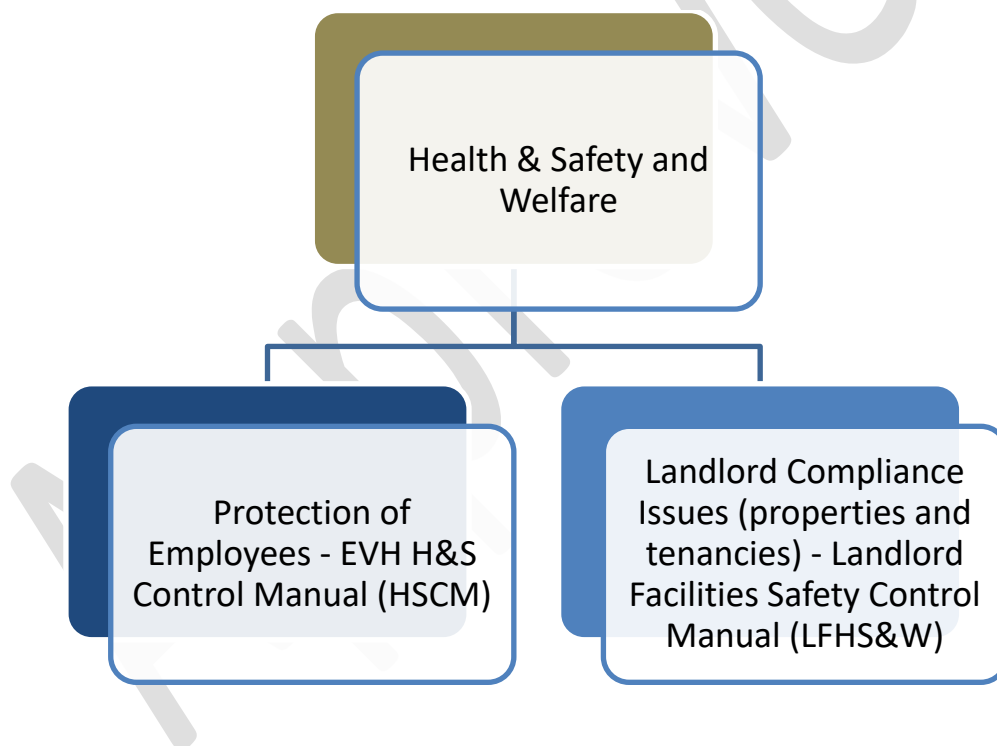
Approved by the Board of Management on 28th September 2023

Preface to LANDLORDS SAFETY MANUAL

Initially developed in 1994, the EVH H&S Control Manual (HSCM) is intended to assist members in the management of Health, Safety and Welfare insofar as their responsibilities as an 'Employer' are concerned.

However, the core function of RSL's is to provide housing and related services – thus acting as a 'Landlord'. Under modern legislation, a wide range of topic-specific compliance requirements are placed on Landlords to ensure premises and services are maintained in a safe and habitable condition. These requirements are generally considered to be more related to 'facilities management' than traditional 'H&S' requirements, although many stem from the same risk management legislation.

To ensure EVH members can demonstrate compliance with their Health, Safety and Welfare responsibilities as both an **EMPLOYER** and a **LANDLORD**, this Manual has been introduced to deal specifically with facilities/compliance issues incurred by a Landlord.



Note on Landlord HS&W Topic-Specific Policies and Procedures

Whilst the majority of procedures are based on topic-specific legislation, the complexity of this legislation (and associated approved codes of practice and guidance) often allows for a degree of 'interpretation' of how best to manage the risks. Therefore, the policies and procedures defined in Section 7 are intended to cover the basics of legal compliance and good practice.

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ASPECT	AMENDMENT PROCEDURE						

1. Purpose

- 1.1 The efficacy of this Management System relies upon the development and implementation of effective policies, procedures and arrangements which evolve over time to achieve continual improvement. This Amendment procedure aims to ensure that the Manual is updated with any amendments and all relevant personnel are informed of the changes.

2. Associated Documentation and Records

- 2.1 Previous Versions of the Manual

3. Procedures

- 3.1 Where any amendment is made to the text or other content of this Manual, the Facilities Safety Administrator (FSA) shall ensure that the amendment is duly authorised and referenced. The outgoing section shall be removed from the Manual and the amended version inserted.
- 3.2 All staff shall be provided with a link to the updated Manual with the amendments duly highlighted for reference purposes
- 3.3 Written acceptance of the amendments will be fulfilled by staff returning an "acceptance and understood" email to the FSA.
- 3.4 All copies of the Manual and associated documentation will remain legible and readily accessible by appropriate personnel, Authorities and in the event of an emergency.

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1. Purpose

1.1 To provide a user-friendly reference to the structure and content of this Manual.

2. Contents Tables

2.1 The following table summarises the structure and content of this Manual.

2.2 **Sections 0-6** relate to the **Management Framework, Structural and Communications** aspects of the system.

2.3 **Section 7 covers the topic-specific Policies** and Procedures, relating to specific hazards, risks and topic-specific legislation.

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4.0	<u>Landlords Safety Manual Policy Statement</u>	-
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5.1		<u>Definition of Roles</u>
5.2		<u>Competence, Training and Awareness</u>
5.3		<u>Emergency Contact Details</u>
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6.1		<u>Annual Management Review</u>
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7.13		<u>Furnished Premises – Safety Standards</u>
7.14		<u>Gas Safety and Inspection</u>
7.15		<u>Hygiene of Tenancies</u>
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ASPECT	SCOPE OF SYSTEM						

1. Purpose

1.1 To set out the scope of the Management System which aims to establish and maintain an effective operational system, integrated into the daily processes of the Association, to manage all relevant Landlord related HS&W risks within the property portfolio.

2. Definitions

2.1 'Established' will require the system to be demonstrably implemented.

2.2 'Maintained' will require the system to continue to operate effectively.

3. Associated Documentation and Records

3.1 Occupational Health, Safety & Welfare Management System (Health & Safety Control Manual)

4. Scope of Landlords Safety Management System

4.1 The Management System covers the full area of operation within the Association's property portfolio where the Association acts as a Landlord (domestic and commercial).

4.2 The Association operates an Occupational HS&W Management System, defined within a H&S Control Manual (HSCM). Whilst the HSCM covers the responsibilities of the Association as an 'employer', the Landlords Safety Manual covers the specific responsibilities placed on the Association as a 'landlord'.

There will be an inevitable cross-over in some policies, particularly where the one set of Regulations applies to employers and landlords so users of this system are encouraged to familiarise themselves with the contents of the HSCM.

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ASPECT	LANDLORD FACILITIES HS&W POLICY STATEMENT						

1. Purpose

- 1.1 To define the HS&W policy of the Association in relation to its responsibilities as a Landlord and to demonstrate the commitment of the Management and personnel to implement this policy.
- 1.2 To set out the policy upon which the full Landlords Safety Management System is based.

2. Associated Documentation and Records

- 2.1 This Policy Statement sets out the commitment of the Management and personnel to achieving high standards of HS&W in relation to the Association's activities as a Landlord. Reference should be made to the full Landlords Safety Manual and its associated documentation and records for the comprehensive arrangements in place to implement the commitments of this Statement.

3. Landlord Facilities HS&W Policy Statement

- 3.1 The Chief Executive holds overall executive control and is, therefore, responsible for the conduct of the Association from a Landlord's Facilities Health, Safety & Welfare perspective.
- 3.2 The Association shall ensure that accountability and responsibility for the implementation and operation of facilities related Health & Safety and Welfare arrangements is discharged by formally appointed personnel of appropriate seniority and competence and that adequate resources are allocated to these roles.
- 3.3 A range of topic specific legislation imposes statutory duties on Landlords in relation to the protection of the Health, Safety and Welfare of tenants and others who may be affected by the Association's undertaking as a Landlord. To enable these statutory duties to be carried out, it is the policy of the Association, so far as is reasonably practicable, to ensure that responsibilities for Health, Safety and Welfare are assigned, accepted and fulfilled at all levels of the Association; that all practicable steps are taken to manage the Health, Safety and Welfare tenants and others; and to conduct the business in such a way that the health and safety of tenants, service users, visitors, contractors and the public is not put at risk.
- 3.4 It is the Policy of the Association, so far as is reasonably practicable, to prevent injuries, incidents and ill-health that may be associated with its property portfolio and to ensure that:-
 - a) The living environment of all tenants is safe and without risks to health or safety and that adequate provision is made with regard to the safety of premises and facilities.

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- b) Plant, machinery and equipment are safe and without risks to the health or safety of tenants, service users, contractors and any other person who may be affected with regard to any premises or operations under the Association's control.
 - c) All Statutory inspection regimes are maintained so far as reasonably practicable to comply with legislation, codes of practice and best practice.
 - d) Adequate information is made available to tenants and others in relation to facilities and premises related hazards and risks.
 - e) Employees are provided with such instruction, information, training and supervision as is necessary to ensure the Landlord's HS&W responsibilities may be adequately discharged.
 - f) This Policy Statement, and all supporting Policies, Procedures and Arrangements shall be reviewed and updated as and when it is necessary or appropriate and at least annually. Communication of any such changes shall be made to all employees.
- 3.5 To enable the Association to meet its statutory duties and commitments set out above, a comprehensive Landlords Safety Management System shall be operated, which shall include written Policies, Procedures and Arrangements for all relevant areas of HS&W Management relevant to the role of a Landlord.
- These shall be set out in a Control Manual, which shall be adopted by the Board of Management and the Chief Executive. All relevant employees shall be provided with adequate information, instruction and training in the contents of the Manual and in risk management issues relevant to their work.
- 3.6 This Policy Statement shall be presented on the Association's website to ensure that all interested parties can view this commitment to Landlord's HS&W and on all staff notice boards. Parties requiring further, more detailed information on the system shall be provided with all such reasonable information by the Association's Facilities Safety Administrator (FSA).
- 3.7 It shall be the duty of all **employees** with defined responsibilities under this system to:
- a) Co-operate with the Association so far as is necessary to ensure compliance with any duty or requirement imposed on the Association, or any other person, under any relevant statutory duties.
 - b) Comply with any safe working procedures, practices or 'rules' set out by the Association and with the information, instruction and training provided.
- 3.8 All accidents, incidents, ill health and near misses associated with a potential breach of Landlord's duties shall be reported to the Chief Executive and shall be appropriately investigated and reported to external Authorities where appropriate.

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Chief Executive	Anne Smith	Signature		Date	
Chairperson	Margaret Baxter	Signature			
Review Date	10 th August 2023				

Approved

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1. Contents

- 5.1 Definition of roles
- 5.2 Competence, training and awareness
- 5.3 Emergency contact details

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1. Purpose

- 1.1 The purpose of this policy is to define the roles, responsibilities and accountability of Organisation employees, from top management throughout the management chain.

2. Responsibilities – Overview

- 2.1 It is recognised that the successful management of Landlords Safety Manual across the Association's property portfolio and tenancies requires the commitment of Senior Management and all persons with responsibility for delivering the Landlord's duties.
- 2.2 All employees have a responsibility to diligently discharge their duties in relation to the provision of health, safety and welfare requirements across tenancies. This will include the delivery of processes and procedures to comply with specific Regulations on safety related issues. Those in positions of responsibility have additional obligations, by virtue of their 'managerial' functions. Indeed, the Health & Safety Executive (HSE) document *Enforcement Policy Statement*, HSE41(rev1), notes the following on 'Prosecution of individuals':

"... enforcing authorities should identify and prosecute or recommend prosecution of individuals if they consider that a prosecution is warranted. In particular, they should consider the management chain and the role played by individual directors and managers, and should take action against them where the inspection or investigation reveals that the offence was committed with their consent or connivance or to have been attributable to neglect on their part and where it would be appropriate to do so in accordance with this policy. Where appropriate, enforcing authorities should seek disqualification of directors under the Company Directors Disqualification Act 1986."

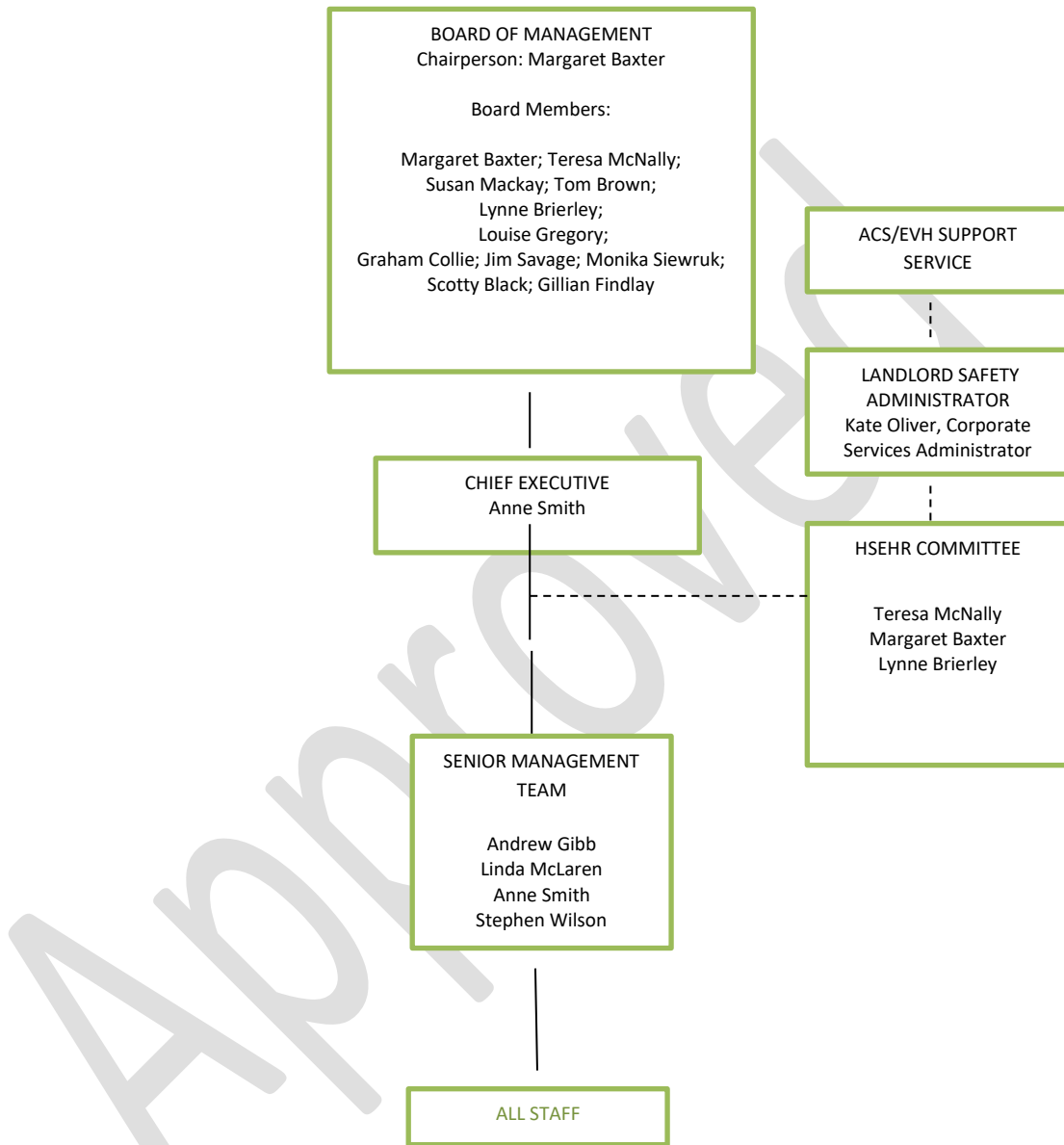
- 3.2 The following sections set out the principal Landlord related HS&W related responsibilities of individuals within the Association. These duties shall be in addition to the general duty on all employees to ensure the Health, Safety and Welfare of themselves and all others who may be affected by their undertakings.
- 3.3 In addition to the *individual* liability of senior staff, the *Corporate Manslaughter and Corporate Homicide Act 2007* allow *companies* and *corporations* to be prosecuted for corporate manslaughter (in England, Wales & N. Ireland) and corporate homicide (in Scotland) where serious management failures result in death.

Under this Act there is no longer the need to identify a 'controlling mind' (i.e. one individual whose negligence or recklessness caused the death) to convict an Organisation of homicide, thus making it easier to prosecute Organisations.

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3.4 The management responsibilities defined within this Control Manual should ensure that adequate and appropriate managerial control is exercised over the Landlord’s HS&W duties to protect against prosecution.

4. Landlords Safety Manual Organisation Chart



Specific responsibilities are detailed in Section 5, paragraph 9.6 to this manual.

5. Responsibilities – Board of Management

5.1 The Board of Management, headed by the Chairperson, comprises ‘lay persons’ from the local community, acting as a body to oversee the operations carried on by the Association.

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5.2 It is recognised that the Board of Management, whilst not actively involved in the day to day running of the Association, is collectively responsible for providing leadership and direction on ensuring the Landlord's responsibilities are discharged. The Chief Executive shall be responsible for implementing the Board of Management's vision for LFHS&W.

5.3 The Board will endorse the Landlords Safety Policy and Manual, and the Chairperson will sign the Policy Statement along with the Chief Executive. Where there is a change of personnel, the incoming Chairperson will sign the Policy to ensure the commitment on behalf of the Board remains current.

5.4 The Board of Management has delegated the responsibility for the Association's Landlords safety management system to the HSEHR Committee who will be presented with the reports on performance, funding requirements, failures and other Landlords Safety Manual related issues at each Committee meeting.

The HSEHR Committee will give all such issues due consideration and will make available all reasonable funding and support as may be required.

5.5 The HSEHR Committee will review the findings of all internal and external Landlords Safety Manual audits carried out within the Association and will authorise the use of all reasonable support required to rectify any significant non-compliances identified by the audits.

5.6 The HSEHR Committee will take an active interest in the investigation of any significant safety failure, making available all reasonable resources for a full investigation and for the taking of adequate measures to rectify any deficiencies in the existing arrangements.

5.7 All HSEHR Committee members will undergo training in 'Landlord's Facilities Health & Safety Awareness' and in their Management responsibilities. This will ensure that all members have a working knowledge of the topic, which will assist in the discussion of Landlords Safety Manual at all meetings.

5.8 This should also assist the Committee in determining whether the Chief Executive is managing Landlords Safety Manual adequately within the Association.

6. Responsibilities – Health, Safety and Human Resources Committee (HSEHR)

6.1 The HSEHR Committee will provide an open forum for the discussion of all health, safety and welfare and risk compliance issues which come under the scope of the Association's duties as a Landlord. The Committee will be Chaired by the person elected as Convenor of the Committee and members will be drawn from the Board of Management.

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6.2 All Committee members will undergo suitable training, which will include, as a minimum, 'Landlord's Facilities Health & Safety Awareness'. This will ensure that all members have a working knowledge of the range of topics under discussion, commensurate with their role in the Committee and within the Association as a whole.

6.3 Where appropriate, the Committee will consider draft proposed revisions to policy, procedures and arrangements, for ultimate approval by the Board of Management.

6.4 The Committee will review the Landlords Safety Manual performance of the Association, analysing findings from technical assessments, reports on compliance issues, common challenges and data from other information gathering exercises.

6.5 Recommendations on options to improve Landlords Safety Manual performance will be made each time the manual is updated by ACS / EVH

The HSEHR Committee will confirm acceptance of both sets of responsibilities by signing the table below / over;

Name	TBC (Convenor)	Signature		Date	
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Name	Teresa McNally Vice Convenor	Signature		Date	
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Name	Margaret Baxter	Signature		Date	
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Name	Lynne Brierley	Signature		Date	
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Name		Signature		Date	
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7 Responsibilities – Chief Executive

7.1 The Chief Executive is responsible for the general day to day running of the Association. It is recognised that this function incurs the overall responsibility for Landlords Safety management within the Association and the requirements of this Manual will be adopted to ensure adequate provisions are made and maintained.

7.2 The Chief Executive will appoint a competent Senior Manager who shall be responsible for taking executive control of the implementation of the Landlords Safety management system and for implementing the Board of Management's

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vision/plan.

- 7.3 The Chief Executive will endorse the Landlords Safety Policy and Manual and will sign the Policy Statement along with the Chairperson of the Board of Management. Where there is a change of personnel, the incoming Chief Executive will sign the Policy to demonstrate commitment and acceptance of responsibilities.
- 7.4 The Chief Executive will hold *ultimate responsibility* for the implementation of the Association's policy, procedures and arrangements (this Manual and associated documentation), although the person responsible for Landlords Safety Manual will have executive control of this function. To this end, they will appoint an adequate number of competent persons to achieve and maintain legal compliance. This will include a Facilities Safety Administrator (FSA).
- 7.5 The Chief Executive will also take all appropriate action to reduce the risks to tenants and others arising from the business undertaking and to improve the health and safety performance of premises. The Chief Executive may be held liable where offences are committed with the consent or connivance or as a result of negligence (Health & Safety at Work etc. Act 1974, Section 37(1)).
- 7.6 The Chief Executive will report on Landlords Safety Manual performance, funding requirements, safety failures and other related issues at each Board of Management meeting, as well as make available all internal and external audit reports to the Committee. Fully justified requests will be made to the Board for any resources, support or funding required for Landlords Safety Manual purposes.
- 7.7 The Chief Executive will ensure that Landlords Safety Manual considerations are taken into account for all new investment opportunities and in the Association's estates/property development policy. The objective will be to design out risks so far as is reasonably practicable.
- 7.8 The Chief Executive will be responsible for allocating duties, resources and funds as appropriate to implement and maintain the Landlords Safety management system.
- 7.9 The Chief Executive will ensure that adequate communication channels exist throughout the Association to allow Landlords Safety Manual issues to be dealt with timeously and effectively. All staff and tenants will be given the opportunity to raise any Landlords Safety Manual related queries with appropriate management staff.
- 7.10 The Chief Executive will ensure that all significant safety failures are fully investigated and reported to the Board of Management. They will also ensure that all necessary support is sought to adequately investigate the situation and develop suitable remedial measures to reduce the likelihood of a similar incident recurring.

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7.11 The Chief Executive will undergo training in ‘Landlord’s Facilities Health & Safety Awareness’.

7.12 The Chief Executive shall accept their responsibilities as detailed in Section 5.1 (9.6) below and review these responsibilities at least annually.

8. Responsibilities – Senior Managers Responsible for LFHS&W

8.1 The Senior Management Team shall be responsible for taking executive control of the implementation of the Landlords Safety Manual system and for implementing the Board of Management’s vision/plan for landlord safety management. These roles will be regarded as ‘senior management representation’ for Landlords Safety Manual and for technical compliance with the Landlord’s HS&W duties.

8.2 The Senior Management Team will be responsible for ensuring the maintenance of an adequate programme of technical assessments and remedial action, allocating duties and resources as appropriate to keep assessments and control measures current. They will also ensure that any remedial measures identified or agreed with the Board are effectively actioned.

8.3 The Chief Executive will be responsible for maintaining an adequate programme of staff training and competence, ensuring that all staff are given appropriate instruction, information and training to ensure their roles may be discharged effectively.

8.4 The Chief Executive will give due consideration to all Landlords Safety Manual related requests from the FSA, technical staff and tenants, taking appropriate action where necessary and requesting support / approval from the Board of Management where required.

8.5 The Chief Executive and Director of Property Services will take an active participation in the Landlord’s Health Safety Committee. This will involve the raising of pertinent issues for consideration by the Committee and the reporting of Committee concerns to the Chief Executive and other staff as may be appropriate.

8.6 Responsibilities for each member of the Senior Management Team are detailed in the table in Section 5.1 (9.6) below. These will be reviewed annually.

9. Responsibilities – Employees/Others with technical compliance duties

9.1 While the duties of management staff have been made clear in previous sections, it is recognised that technical compliance issues will be controlled by individual staff members and /or external consultants/contractors. Technical staff will be provided with all appropriate instruction, training, information and

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support to ensure their duties may be effectively discharged. This may require specific training on technical compliance issues.

- 9.2 Employees will comply with the relevant policies, procedures and arrangements set out in the Landlords Safety Manual and with any information, instruction and training provided.
- 9.3 Employees will report to their Departmental Director or the Chief Executive, any identified breaches of HS&W procedures, any accidents or safety related incidents or near misses and any aspect which appears to them to give rise to a significant risk to the health, safety or welfare of tenants or other persons. Such reports will be made without undue delay.
- 9.4 Employees will inform their Departmental Director or the Chief Executive, without undue delay, where they believe that further training or other risk control measures would be beneficial.
- 9.5 Employees will co-operate in all safety programmes, training and other initiatives that are intended to reduce risk or improve their competencies and will actively implement any control measures identified as being required.
- 9.6 Employees' defined roles and areas of responsibility in relation to Landlords Safety Manual are recorded below. All staff will be required to confirm that they understand their responsibilities in these areas.

Area of Responsibility	Overall Responsibility	Signature	Executive Responsibility	Signature	Competent Persons
7.1 Asbestos in Tenancies	Chief Executive		Director of Property Services		Property Services Officers
7.2 Anti-Social Behaviour	Chief Executive		Director of Housing Services		Housing Services Officers Assistant Housing Services Officers
7.3 Business Continuity Plan	Chief Executive		Director of Finance and Corporate Services		Senior Management Team
7.4 Construction Design and Management	Chief Executive		Director of Property Services		Property Services Officers Assistant Property Services Officers Property Services Assistant
7.5 Cleaning and Cleanliness	Chief Executive		Director of Property Services		Property Services Officers Assistant Property Services Officers Housing Services Officers Assistant Housing Services Officers
7.7 Contractor Selection and Control	Chief Executive		Director of Property Services		Property Services Officers
7.8 Domestic Pets	Chief Executive		Director of Housing Services		Housing Services Officers Assistant Housing Services Officers
7.9 Electrical Safety	Chief Executive		Director of Property Services		Property Services Officers Assistant Property Services Officers Property Services Assistant
7.10 Energy Performance Certificates	Chief Executive		Director of Property Services		

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7.11 Event Risk Management	Chief Executive		Chief Executive		Senior Management Team Property Services Officers Assistant Property Services Officers Housing Services Officers Assistant Housing Services Officers Tenancy Sustainment Officer Assistant Tenancy Sustainment Officer Tenant Engagement & Communications Officer
7.12 Fire Safety in Housing Stock and Common Areas	Chief Executive		Director of Property Services		Property Services Officers Assistant Property Services Officers Property Services Assistant
7.13 Furnished Premises – Safety Standards	Chief Executive		Director of Property Services		Property Services Officers Property Services Assistant Housing Services Officers Tenancy Sustainment Officer Assistant Tenancy Sustainment Officer
7.14 Gas Safety and Inspection	Chief Executive		Director of Property Services		Property Services Officers Assistant Property Services Officers Property Services Assistant
7.15 Hygiene of Tenancies	Chief Executive		Director of Property Services		Property Services Officers Assistant Property Services Officers Property Services Assistant
7.16 Information to Tenants and Tenancy	Chief Executive		Director of Housing Services		Housing Services Officers Property Services Officers
7.17 Lifts Safety	Chief Executive		Director of Property Services		Property Services Officers Assistant Property Services Officers Property Services Assistant
7.18 Lighting	Chief Executive		Director of Property Services		Property Services Officers Assistant Property Services Officers Property Services Assistant
7.19 Plant, Equipment and PPE	Chief Executive		Chief Executive		Senior Management Team Corporate Services Administrator
7.21 Premises, Fitness and Repair	Chief Executive		Director of Property Services		Property Services Officers Assistant Property Services Officers Property Services Assistant
7.22 Redevelopment of Land and	Chief Executive		Director of Property Services		
7.23 Security	Chief Executive		Director of Property Services		Property Services Officers Assistant Property Services Officers Property Services Assistant
7.24 Ventilation and Fresh Air	Chief Executive		Director of Property Services		Property Services Officers Assistant Property Services Officers Property Services Assistant
7.25 Waste Management	Chief Executive		Director of Property Services		Property Services Officers Assistant Property Services Officers Property Services Assistant
7.26 Water Systems and Legionella	Chief Executive		Director of Property Services		
7.27 Infestations	Chief Executive		Director of Property Services		Property Services Officers Assistant Property Services Officers Property Services Assistant
7.29 Factoring	Chief Executive		Director of Property Services		Property Services Officers Assistant Property Services Officers Property Services Assistant

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ASPECT	ROLES AND RESPONSIBILITIES – Definition of Roles						

10. Responsibilities – Facilities Safety Administrator (FSA)

- 10.1 The function of the FSA is, by definition, one of **‘administration’** as opposed to **‘management’**. The FSA will be fully supported by the Chief Executive.
- 10.2 The FSA will undergo suitable training, which will include as a minimum ‘Landlord’s Facilities Health & Safety Awareness’ and instruction in the administration duties expected of him/her by the Senior Manager Responsible for LFHS&W.
- 10.3 The FSA will maintain the Master Control Manual and the record keeping system in an up to date and tidy condition. This will include the dissemination of all Manual updates to Manual holders and the filing of appropriate records.
- 10.4 The FSA will provide assistance to the Chief Executive, HSEHR Committee and Service Managers from an *administration* perspective. This may involve liaison with the EVH/ACS Support Service and the communication of correspondence between parties.
- 10.5 The FSA will be responsible for communicating relevant Landlords Safety Manual information throughout the Association and to tenants, where appropriate.
- 10.6 The FSA will acknowledge this policy on an annual basis, below.

Name	Kate Oliver, Corporate Services Administrator	Signature		Date	
Review Date					

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ASPECT	ROLES AND RESPONSIBILITIES – Competence, Training and Awareness						

1. Purpose

- 1.1 To ensure that all personnel with delegated compliance responsibilities and duties are competent to carry out, supervise or monitor the activities, taking account of appropriate education, training and experience.
- 1.2 To effectively manage the competency control process and to maintain and retain appropriate records.

2. Definitions

- 2.1 'Awareness' – in terms of HS&W means to be conscious of HS&W issues, e.g. hazards, risks and risk control.
- 2.2 'Competence' – is the demonstrated ability to evaluate and apply knowledge and skills, whilst acknowledging one's limitations.

3. Competence and Training

- 3.1 The person responsible for LHS&W will be qualified and experienced in the area of facilities/landlords' risk management with demonstrable competence in managing compliance issues across property portfolios.
- 3.2 The person responsible for LHS&W shall identify the competency requirements for individuals within the team who have delegated duties of a compliance or Landlords Safety Manual nature. Where the need for additional information, instruction and training is identified, this shall be reported to the HSEHR Committee without delay.
- 3.3 The Association shall operate and maintain a Competency Framework Programme, which shall comprise:
 1. A Training Needs Analysis (TNA) for all core functions and job roles within the Landlords Safety Manual operations.
 2. The TNA will include additional specific training requirements for key personnel with topic-specific responsibilities.
 3. Records identifying the dates and/or frequency of training due (including 'refresher training').
 4. TNA review programme following a change of process, incident, and at least annually.
- 3.4 The HSEHR Committee shall be responsible for approving the Competency Framework, including any additions or deletions.
- 3.5 The FSA shall be responsible for the maintenance and operation of the Competency Framework and for ensuring all training is provided timeously.

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ASPECT	ROLES AND RESPONSIBILITIES – Competence, Training and Awareness						

- 3.6 The person responsible for LHS&W, with the support of the HSEHR Committee, shall identify and appoint competent trainers / instructors to carry out the required training.
- 3.7 The FSA shall be responsible for maintaining records of all information, training and instruction provided to individual employees.
- 3.8 The following minimum competence and training requirements shall apply to those with specific Landlords Safety Manual responsibilities and shall be incorporated into the competency framework:
- 3.8.1 Board of Management – Training in ‘Landlord’s Facilities Health & Safety Awareness’, ideally incorporating a leadership / corporate governance focus.
- 3.8.2 Chief Executive – Training in ‘Landlord’s Facilities Health & Safety Awareness’ and ‘Health and Safety Awareness Training’, ideally incorporating a leadership / corporate governance focus.
- 3.8.3 Senior Management Team responsible for Landlords Safety Manual – suitable qualifications and experience commensurate with a compliance management role and ‘Landlord’s Facilities Health & Safety Awareness’, ideally incorporating a leadership / corporate governance focus.
- 3.8.4 FSA – Training in ‘Landlord’s Facilities Health & Safety Awareness’ and job-specific instruction (in-house training).
- 3.8.5 HSEHR Committee – Training in ‘Landlord’s Facilities Health & Safety Awareness’.
- 3.8.6 Employees with specific Landlords Safety Manual Duties (e.g. Asbestos Co-ordinator, Legionella Co-ordinator, etc.) – Training in ‘Landlord’s Facilities Health & Safety Awareness’ and topic-specific specific training as appropriate and required by legislation / good practice.
- 3.9 Training effectiveness shall be evaluated in a number of ways, depending upon the specific course provided. This shall include examination and certification, peer review and via the results in internal audits, risk assessments and inspections.
- 3.10 Each employee shall be subject to a formal appraisal process annually, which shall include appraisal of training carried out to date and any outstanding training due to be undertaken.

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ASPECT	ROLES AND RESPONSIBILITIES – Emergency Contact Details						

1. Purpose

1.1 The Management of Landlords Safety Manual incorporates the inspection, assessment and testing of a range of hazards and risks which may, on occasion, result in situations which require urgent attendance of external specialists. This section records the emergency contact details for such specialists.

2. Emergency Contacts

Topic	Company / Organisation	Contact Details
Asbestos	ACS Physical Risk Control Ltd	Tel: 0141 427 5171
Electricity	Southern Electric	0800 72 72 82
Environmental Issues	Environmental Health Offices – Clacks Council	Kilncraigs Greenside Street Alloa FK10 1EB Tel: 0500 545540 / 01259 450000
Fire	Fire & Rescue	Clackmannan Road Alloa FK10 4DA Tel: 01259 724112
Flood / Water	Scottish Water	0800 0778 778
Gas	National Gas Emergencies	0800 111 999
Lifts	Various	See Property Services Records
Legionella	ACS Physical Risk Control Ltd	Tel: 0141 427 5171
Needle Collection / Body Fluids	Environmental Health Offices – Clacks Council	As above
Pest Control	Environmental Health Offices – Clacks Council	As above
Police	Police Scotland	Tel: 101 (non-emergency) 999 (emergency)
Waste	Environmental Health Offices – Clacks Council	As above

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ASPECT	MANAGEMENT REVIEWS – Contents						

1. Purpose

1.1 Section 7 of this Control Manual defines the policies and procedures in place to fulfil the 'Checking' requirements of BS OHSAS18001, set out in Section 4.5 of the Standard.

2. Contents

6.1 Annual Management Review

6.2 Board of Management and HSEHR Committee

6.3 Incident Investigation, non-conformity, corrective and preventive action

Approved

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ASPECT	MANAGEMENT REVIEWS – Annual Management Review						

1. Purpose

- 1.1 To ensure Senior Management regularly review the Association's Landlords Safety Management System on a formal basis to ensure its continuing suitability, adequacy and effectiveness.

2. Definitions

- 2.1 'Management Review' – Review of the overall Management System by the Associations Management.

3. Management Review

- 3.1 The Association recognises the importance of ensuring effective compliance with all relevant health, safety, welfare, security and related legislation and good practice across its properties and tenancies.
- 3.2 The persons responsible for Landlords Safety Manual shall prepare an overall **Landlords Safety Management System Annual Report** for the, HSEHR Committee, summarising the performance in the outgoing year together with recommendations for corrective and preventive action and suggestions to achieve continual improvement.

A Management Review Record / Forward Plan will be produced from the meeting.

- 3.3 All relevant personnel and groups shall be fully informed of actions, amendments and changes which may affect policies and procedures or which require action on their part.
- 3.4 The Chief Executive shall be responsible for ensuing all actions are timeously and effectively discharged.

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ASPECT	MANAGEMENT REVIEWS – Board of Management and HSEHR Committee						

1. Purpose

- 1.1 To ensure the Board of Management has opportunity to formally review the performance of Landlords Safety Manual on a regular basis.
- 1.2 To provide an open forum amongst technical/compliance personnel allowing regular discussion of Landlords Safety Manual issues.

2. References

- 2.1 See Roles and Responsibilities section of this Manual for definitions of responsibilities of the Board of Management and HSEHR Committee.

3. Board of Management

- 3.1 The Board of Management will place 'LFHS&W' as a standing item on the Agenda of all HSEHR Committee meetings. This will allow the Chief Executive to report on performance, funding requirements, failures and other Landlords Safety Manual related issues. The Board will give all such issues due consideration and will make available all reasonable funding and support as may be required.
- 3.2 The Board will review the findings of all internal and external Landlords Safety Manual audits carried out within the Association and will authorise the use of all reasonable support required to rectify any significant non-compliances identified by the audits.
- 3.3 The Board will take an active interest in the investigation of any significant safety failure, making available all reasonable resources for a full investigation and for the taking of adequate measures to rectify any deficiencies in the existing arrangements.
- 3.4 The Board will review the Annual Report prepared by the person responsible for Landlords Safety Manual and will take an active part in the Annual Review.

4. HSEHR Committee

- 4.1 The HSEHR Committee will meet formally at least 4 times a year.
- 4.2 The Committee will provide an open forum for the discussion of all health, safety and welfare and risk compliance issues which come under the scope of the Association's duties as a Landlord.
- 4.3 The Committee will suggest solutions and initiatives for issues arising, which will be minuted and presented to the Chief Executive following each meeting, without undue delay.

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ASPECT	MANAGEMENT REVIEWS – Board of Management and HSEHR Committee						

- 4.4 Where appropriate, the Committee will draft proposed revisions to policy, procedures and arrangements, for ultimate approval by the Chief Executive and the Board of Management.
- 4.5 The Committee will review the Landlords Safety Manual performance of the Association, analysing findings from technical assessments, reports on compliance issues, common challenges and data from other information gathering exercises. Recommendations on options to improve Landlords Safety Manual performance will be made to the Chief Executive without undue delay.
- 4.6 The Committee will review the Annual Report prepared by the person responsible for Landlords Safety Manual and will take an active part in the Annual Review.
- 4.7 The organisation should develop its own suitable and realistic Agenda, however the following suggests a range of typical topics for inclusion:
1. incident events and statistics
 2. reported breaches of policy and procedures
 3. enforcement actions
 4. statutory compliance programmes, risk assessments, facilities safety programmes etc.
 5. audit and inspection reports
 6. current liability issues (from EVH, SSB, legal changes, etc.)
 7. management, staff, tenant and contractor enquiries or comments on safety / environmental issues
 8. recommendations on options to improve facilities risk performance

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ASPECT	MANAGEMENT REVIEWS – Incident Investigation, non-conformity, corrective and preventive action						

1. Purpose

- 1.1 To ensure all 'incidents' (see Definition below) are adequately recorded, investigated and analysed.
- 1.2 To ensure lessons are learned from the investigation of incidents to reduce the likelihood of reoccurrences.
- 1.3 To ensure the timely identification of actual and potential non-conformities against the Landlords Safety Management System and for the taking of appropriate corrective and preventive action.

2. Definitions

- 2.1 'Incident' – In this context, 'incident' means an event from which an injury or ill-health or fatality occurred or could have occurred. It includes all *accidents, incidents, near misses, emergencies and occupational related ill-health*. For the avoidance of doubt, the identification of previously unforeseen hazards or risks should also be included in this definition.
- 2.2 'RIDDOR' – Reporting of Injuries, Diseases and Dangerous Occurrences Regulations.
- 2.3 'Non-Conformity' – Non-fulfilment of a requirement and / or deviation from the work standards, procedures or practices set out by the Landlords Safety Management System or a legal requirement.

3. Incident Investigation

- 3.1 All incidents will be reported without undue delay to the person responsible for LFHS&W.
- 3.2 The person shall consider the seriousness of the situation and any immediately obvious causes. Only when an investigation is considered unnecessary, i.e. where it is clear that the event would be unlikely to re-occur, shall the findings record that no investigation is warranted.
- 3.3 Where an investigation is warranted, the person shall, without delay, carry out a full investigation, which shall address the immediate causes, any contributory causes, faulty equipment or control measures, site rules broken by the casualty or any other member of staff, necessary corrective action and required reviews of policies and procedures. The investigation shall also report on the 'root cause(s)' of the incident. The person may take photographs, interview other employees and use other appropriate information gathering techniques.
- 3.4 Specialist third parties will be invited to investigate and/or take part in the investigation where deemed appropriate.

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- 3.5 The findings of any investigation shall be recorded in a report made by the person, which shall be filed and a copy submitted to the HSEHR Committee for review and comment.
- 3.6 Where the investigation and subsequent review highlights the need for policy or procedural changes, or any other corrective action, the HSEHR Committee shall be responsible for managing the change process.
- 3.7 All relevant personnel shall be informed of the outcome of the investigation and of any corrective action taken.
- 3.8 Incident investigation, and the resultant introduction of improvements / amendments to policy or procedure, is recognised as a crucial protocol in achieving continual improvement and ‘follow-up’ reviews will be carried out at an appropriate time following each investigation to determine whether real improvements have been realised in practice. Such reviews will be formally recorded in the investigation file.

4. Non-Conformity, Corrective Action and Preventive Action

- 4.1 It shall be the responsibility of the person responsible for Landlords Safety Manual to ensure an “open culture” is developed and maintained within the compliance department. Employees shall be encouraged to communicate their concerns about Landlords Safety Manual non-conformities to Management without prejudicial reprise.
- 4.2 A number of monitoring and measuring tools are utilised throughout the management of Landlords Safety Manual which provide data on conformity to the Management System. These are defined in the topic-specific procedures. Therefore, the existing arrangements provide for the identification of non-conformities and define appropriate action for the identification of corrective and preventive action.
- 4.3 Where any actual or potential non-conformity is identified, the Chief Executive should be informed without delay. The Chief Executive will consider the actual or potential non-conformity on its merits. Where warranted, They shall carry out a formal investigation. This shall aim to identify the ‘root cause’ of the actual or potential non-conformity, and provide corrective or preventative action to eliminate the situation. **(See Incident Investigation, above).**

5. Recording and Reporting

- 5.1 All efforts will be made to record and report relevant incidents (including any near misses and including dangerous occurrences as defined by RIDDOR) both internally and under the official RIDDOR reporting scheme.

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ASPECT	TOPIC SPECIFIC POLICIES – Contents						

1. Purpose

- 1.1 Section 7 of this Control Manual defines the policies and procedures in place to fulfil the range of Landlord's compliance issues as defined in topic-specific legislation.
- 1.2 Whilst the majority of procedures are based on topic-specific legislation, the complexity of this legislation (and associated approved codes of practice and guidance) often allows for a degree of 'interpretation' of how best to manage the risks. Therefore, the policies and procedures defined in Section 7 are intended to cover the basics of legal compliance and good practice. A number of these policies have additional 'guidance' provided in Section 8, which goes into more detail on the concepts of best practice and it is the intention that this guidance will be used to develop and improve policies over time.

2. Contents

- 7.1 Asbestos in Tenancies
- 7.2 Anti-social Behaviour
- 7.3 Construction Design and Management (CDM)
- 7.4 Cleaning and Cleanliness
- 7.5 Commercial Leases (N/A)
- 7.6 Contractor Selection and Control
- 7.7 Domestic Pets
- 7.8 Electrical Safety
- 7.9 Energy Performance Certificates
- 7.10 Event Risk Management
- 7.11 Fire Safety in Housing Stock and Common Areas
- 7.12 Furnished Premises – Fire Safety Standards
- 7.13 Gas Safety and Inspection
- 7.14 Hygiene of Tenancies
- 7.15 Information to Tenants and Tenancy Agreements
- 7.16 Lifts Safety
- 7.17 Lighting
- 7.18 Plant, Equipment and PPE
- 7.19 Play Parks Safety (N/A)
- 7.20 Premises Fitness and Repair
- 7.21 Re-development of Land and Buildings
- 7.22 Security
- 7.23 Ventilation and Fresh Air
- 7.24 Waste Management
- 7.25 Water Systems and Legionella
- 7.26 Infestations
- 7.27 Privately Rented Properties (N/A)

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ASPECT	TOPIC SPECIFIC POLICIES – Asbestos in Tenancies						

ASBESTOS POLICY

1.0 INTRODUCTION

The Association has stated its commitment, through its Health & Safety Policy Statement, to take all reasonable steps to ensure the health, safety and welfare at work of all its employees and others, including Board Members, contractors, consultants, visitors, clients, tenants and members of the public who may be affected by its acts or omissions.

The purpose of this policy document is to:-

- ✓ Effectively manage all asbestos containing materials across the property portfolio and to reduce the asbestos related risks to as low a level as is reasonably practicable;
- ✓ Ensure that, as far as is reasonably practicable, no persons are exposed to risks to their health due to exposure to any asbestos containing materials that may be present in any of the properties it owns or occupies;
- ✓ Ensure that the Association complies with appropriate legislation;
- ✓ Establish clear guidelines to be adopted whenever asbestos is encountered in premises owned by or occupied by the Association;
- ✓ State the Association's policy that asbestos will not be removed where, following detailed assessment, it is proved to be not in a hazardous condition and will not be damaged or otherwise exposed, nor will it affect future maintenance plans or activities.

2.0 DEFINITION

Asbestos is a fibrous mineral which is mechanically strong and highly resistant to heat and chemical attack. Because of its fibrous nature, it can be woven into fabrics and used as reinforcement for cement and plastics. In the past, its versatility made asbestos a popular building material.

3.0 HEALTH EFFECTS

The presence of an asbestos containing material in itself does not constitute a danger. However, there is a potential risk to health if such material is disturbed and damaged. An isolated accidental exposure to asbestos fibres for a short duration is extremely unlikely to result in the development of asbestos related diseases. However, regular exposure – even at relatively low levels – can present a risk. As well as people employed in the building trades, inadvertent exposure (and consequent risk) can occur in other groups of people e.g. installers of burglar alarms, smoke detectors, etc. Maintenance and repair contracts will also take place in the future and it is important, therefore, to have in place a management system which minimises the potential for exposure to asbestos.

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4.0 LEGISLATION

The main relevant pieces of legislation in the UK are:-

The Asbestos (Licensing) Regulation 1983 which prohibits work with asbestos insulation or coating of greater than 2 hours duration without a licence issued by the Health and Safety Executive.

The Control of Asbestos at Work Regulation 1987 require that an employee's exposure to asbestos be prevented or reduced as far as is reasonably practicable and that any risks are assessed before work with asbestos is started. The regulations also establish control limits for exposure. The legislation is supported by two Approved Codes of Practice.

The Health and Safety at Work Act 1974 which imposes general duties on employers to ensure the health, safety and welfare of employees and others who may be affected by an organisation's undertakings.

The Management of Health and Safety at Work Regulations 1992 which require employers to assess the risks to the health and safety of employees and others at work.

The Construction (Design and Management) Regulations 1994 which place duties on clients, planning supervisors, principal contractors, designers and contractors to plan, coordinate and manage health and safety on construction work if the work will last in excess of 30 days or involves five or more people on site at any one time. The regulations specifically require the client to provide relevant health and safety information to the planning supervisor appointed to oversee the project. This information might include, for example, previous surveys of buildings etc. for asbestos.

The Construction (Design and Management) Regulations 2015 which generally place greater responsibility on the client. The Association now appoints a Principal Designer (where appropriate) and the principal contractor following an assessment of competency and resources and must ensure adequate plans and welfare are in place before construction begins.

The Control of Asbestos at Work Regulations 2002 (CAWR) which places a new legal duty on the 'Duty Holder' to manage asbestos in non-domestic premises. It is likely that this legislation will be extended in the future to include domestic dwellings. The duty to manage came into effect on 21 May 2004. On 21 November 2004, a further duty came into effect regarding the accreditation of those who identify asbestos in materials.

As it is difficult for a corporate body such as the Association to be a Duty Holder, the Director will accept the responsibilities of the Duty Holder but will also appoint a member of staff, namely the Director of Property Services, to act as Asbestos Co-ordinator and implement the policy. The CAWR

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legislation applies to the following non-domestic properties owned by the Association:

- ✓ Ochil House.
- ✓ Common areas of blocks of flats (internal and external).
- ✓ Supported accommodation.
- ✓ Accommodation leased to other organisations (dependent upon terms of lease).
- ✓ Gardens, yards and outhouses.

The Control of Asbestos Regulations 2012 introduced a more stringent control limit, alter the licensing requirements, in particular exempting textured decorative coatings from licensing, and placing more onerous training requirements on employers whose employees might be exposed to asbestos. The Association continues to remove textured coatings where appropriate but these regulations no longer require a licensed contractor to undertake the sampling.

Refurbishment surveys guidelines 2010

In accordance with expert advice received from ACS Physical Risk Control Ltd, the Association will undertake a limited survey of between 10% and 15% of house types prior to refurbishment works in order to analyze trends. Further surveys will be commissioned if trends are unclear.

While not legislation, the following guides also provide useful information:

INDG 223 :A Short Guide to Managing Asbestos in Premises

HSG264: Asbestos: A survey guide

5.0 STATEMENT OF POLICY

The Association will undertake to comply with all relevant statutory provisions concerning asbestos by adopting the following strategy:-

5.1 Asbestos Management System

A sound management strategy involving the identification, assessment and management of all asbestos materials has been put in place to ensure that the risk of exposure to workers and others who may use any building owned by the Association or who come across asbestos during their work is controlled.

Appendix 1 outlines the features of the Asbestos Management System to be adopted by the Association. The system should be referred to for general guidance whether part of a proactive survey programme or as a response to discovering a material suspected of being asbestos either accidentally or during work.

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The Association will train selected members of staff (the Director of Property Services and various Property Services Officers), to identify the possible presence of asbestos. Where asbestos is suspected, the Association will appoint an external consultant having UKAS (United Kingdom Accreditation Service) accreditation to analyse a sample of the suspected material and, if found to be asbestos, to advise the Association on its management.

The control of Asbestos at Works Regulations requires the Duty Holder to presume that materials contain asbestos unless there is strong evidence that they do not. A fuller description of this is given in **Appendix 2**.

The Asbestos Management System consists of two inter-related features:-

5.2 Proactive Response

This involves establishing a planned survey programme, the purpose of which is to:-

- Develop a systematic programme for identifying the presence of asbestos in certain Association premises (currently common housing areas, houses where information suggests that there is a risk of asbestos, non-housing structures such as Ochil House, and new property acquisitions where no property history is available).
- Identify the current condition of asbestos in Association properties (so that any remedial work can be priced and scheduled).
- Assess the risk of likelihood of anyone being exposed to asbestos.
- Monitor and manage the discovery of suspected asbestos materials and any work in proximity to asbestos.
- Co-ordinate awareness training for relevant staff, contractors and any other relevant persons.
- Review the Asbestos Management System periodically.
- Where the Associations premises, new property acquisitions and common areas of housing stock were built or renovated prior to 2000, an Asbestos Management Survey programme will be carried out by a competent UKAS accredited asbestos management consultancy. (HSE expects that no asbestos containing materials would be in use from 2000.) The surveyor and the Association should jointly determine an appropriate strategy to cost-effectively assess relevant premises, taking account of the permissibility of 'representative' surveying across properties of the same archetype and construction date.
- We note that current legislation does not subject 'domestic dwellings' to the requirement for Asbestos Management Surveys (although Refurbishment and Demolition Surveys are required – see below). However, the Association will take a view on whether to adopt the increasingly common stance of undertaking Management Surveys to domestic dwellings.
- The findings of all surveys undertaken will be used to prepare a Register of Asbestos containing materials (including their location and condition

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along with details on how best to manage / remediate the material) in all relevant premises.

- An asbestos management plan will be developed and implemented, ensuring that all asbestos containing materials are properly managed. This will include procedures for re-inspecting materials and carrying out remedial works where necessary.
- Prior to any work being carried out on the fabric of (pre-2000) buildings, the asbestos register will be interrogated to determine whether asbestos may be encountered and appropriate precautions (including the use of HSE licensed contractors where necessary) will be taken. Where the works are likely to disturb material not included in the registers (e.g. behind wall panels, within voids, etc.), then the point below will apply.
- Prior to any refurbishment, demolition or repair works on building fabric, which is not known to be asbestos free, a competent UKAS accredited asbestos management consultancy will be commissioned to carry out a 'Refurbishment or Demolition' (i.e. intrusive) asbestos survey of the area to be worked upon.
- The surveyor and the Association should jointly determine an appropriate strategy to cost-effectively assess relevant premises, taking account of the permissibility of 'representative' surveying across properties of the same archetype and construction date. Prior to works being instructed, the information obtained from Refurbishment/ Demolition Surveys, including all test results, will be discussed with the proposed works contractor (or internal direct works staff) to ensure that ACM's will not be disturbed by their works. In the event that works would have the potential to disturb ACM's, appropriate measures will be taken, including the prior removal of ACM's, amendments to work programme, etc.
- Records of all surveys and discussions with contractors will be retained in the Property Diary and Job Diary to demonstrate that asbestos was properly considered and appropriate actions taken to prevent disturbance and exposure.

5.3 **Reactive Response**

This includes procedures to be adopted where a material suspected of being asbestos is discovered either accidentally or during work. Those potentially exposed include all users of Association premises and others including contractors carrying out work on behalf of the Association

The person locating the suspected asbestos has a duty to inform the Asbestos Co-ordinator (Director of Property Services) who will stop the work if this has not already happened, consider the desirability of vacating the building or part of the building to avoid exposure and appoint a UKAS consultant to advise the association. Procedures to be adopted will be site specific and should as far as is practical take account of location/type/form/volume and condition of the asbestos.

It is the responsibility of all staff to report to the Asbestos Co-ordinator if they suspect that disturbed or damaged asbestos containing materials may be

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present in a building owned or occupied by the Association. In a case where an accessible material is suspected of containing asbestos, and where this material may reasonably become disturbed, this would also apply. In such cases, an external consultant having UKAS (United Kingdom Accreditation Service) accreditation for asbestos sampling and analysis, will be contacted to carry out identification. If asbestos is identified within the sample, advice will be obtained from a competent consultant on the appropriate course of action.

Where damage to any material known to contain asbestos has taken place and is likely to give rise to airborne respirable fibre release, the Asbestos Coordinator will arrange for isolation of the area pending an investigation. They will arrange for air monitoring tests (measurement of airborne fibre concentrations) to be carried out and sampling and analysis will be carried out by an independent UKAS accredited Organisation to determine the level of any potential contamination, or to provide reassurance that unacceptable contamination has not occurred. Details of air test results will be made available for inspection and record purposes.

Remedial action will be required when airborne fibre levels exceed 0.01 f/cc. The nature of the remedial work must be agreed with the person responsible for LFHS&W.

When remedial action becomes necessary after exposure, the relevant facts may have to be reported to the HSE in accordance with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR). (Advice may be sought from a competent Asbestos Consultant to determine whether the incident is in fact RIDDOR reportable.)

6.0 ASBESTOS REGISTER

An “Asbestos Register” will be held for all property owned by the Association. The purpose of the Register is to formally record, through survey and inspection, the location and condition of asbestos in Association premises.

The accuracy of the information contained in the Register will be assured by regular inspections when it will be the responsibility of suitably trained staff to assess the condition of asbestos and make any necessary amendments to information contained in the Register.

Where changes in the condition of asbestos are identified the inspector must immediately report the matter to the Asbestos Co-ordinator. The Register must be as accurate as possible and must be brought to the attention of any person carrying out any alteration work to buildings, which may risk exposure to building materials on Association owned premises.

7.0 TRAINING AND INSTRUCTIONS

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Unless properly trained to do so, no Ochil View staff will be permitted to handle or work on asbestos containing materials (ACM's). In the event that the Association opts to handle ACM's (e.g. for the purposes of sampling), appropriate training will be provided, insurances obtained and these procedures updated to reflect the acceptable process. All staff who may foreseeably encounter asbestos during their working day will be trained to an appropriate level to ensure, so far as reasonably practicable, their health, safety and welfare and that of others.

Staff with a direct responsibility for the inspection and management of asbestos will receive specific training.

The qualifications and competence of all contractors carrying out asbestos work will be assured through the Association procedures for awarding contracts.

Appointments of consultants will include a warning to consider and advise on the possible presence of asbestos.

The Association requires its planned and reactive maintenance contractors to confirm that they have asbestos management training and practice in place for their operatives. Where an operative suspects that they have identified a suspect material such as asbestos during the course of their work, they contact their employer who **immediately** advises the Association. The Association then arranges for one of the specialist contractors **to undertake** sampling.

8.0 **ASBESTOS REMOVAL**

The decision on whether to remove asbestos will be based upon the UKAS consultant's advice. The UKAS consultant will ensure that a HSE licensed contractor is appointed to remove the asbestos and will examine and approve the Method Statement provided by the contractor. Alternatively where the work can be carried out without a license, the contractor will be required to submit a Method Statement for approval from the UKAS Consultant.

Most work likely to disturb or remove asbestos must be carried out by an HSE licensed asbestos removal contractor and notified to the HSE 14 days prior to commencement. However, the Control of Asbestos Regulations 2012 does allow work with certain lower risk asbestos containing materials (e.g. asbestos cement and asbestos textured coatings) to be carried out by non-licensed personnel and without notification to the HSE. The three categories of asbestos work are:

- ✓ Major Works: Licensed works – 14 day notification and licenced contractor (highest risk work);
- ✓ Minor Works: Notifiable non-licensed works – notification before works start and competent (non-licensed) contractor;

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- ✓ Minor Works: Non-notifiable non-licensed works – no notification and competent (non-licensed contractor).

The following HSE flowchart shows the decision making process on appropriate classification of works:

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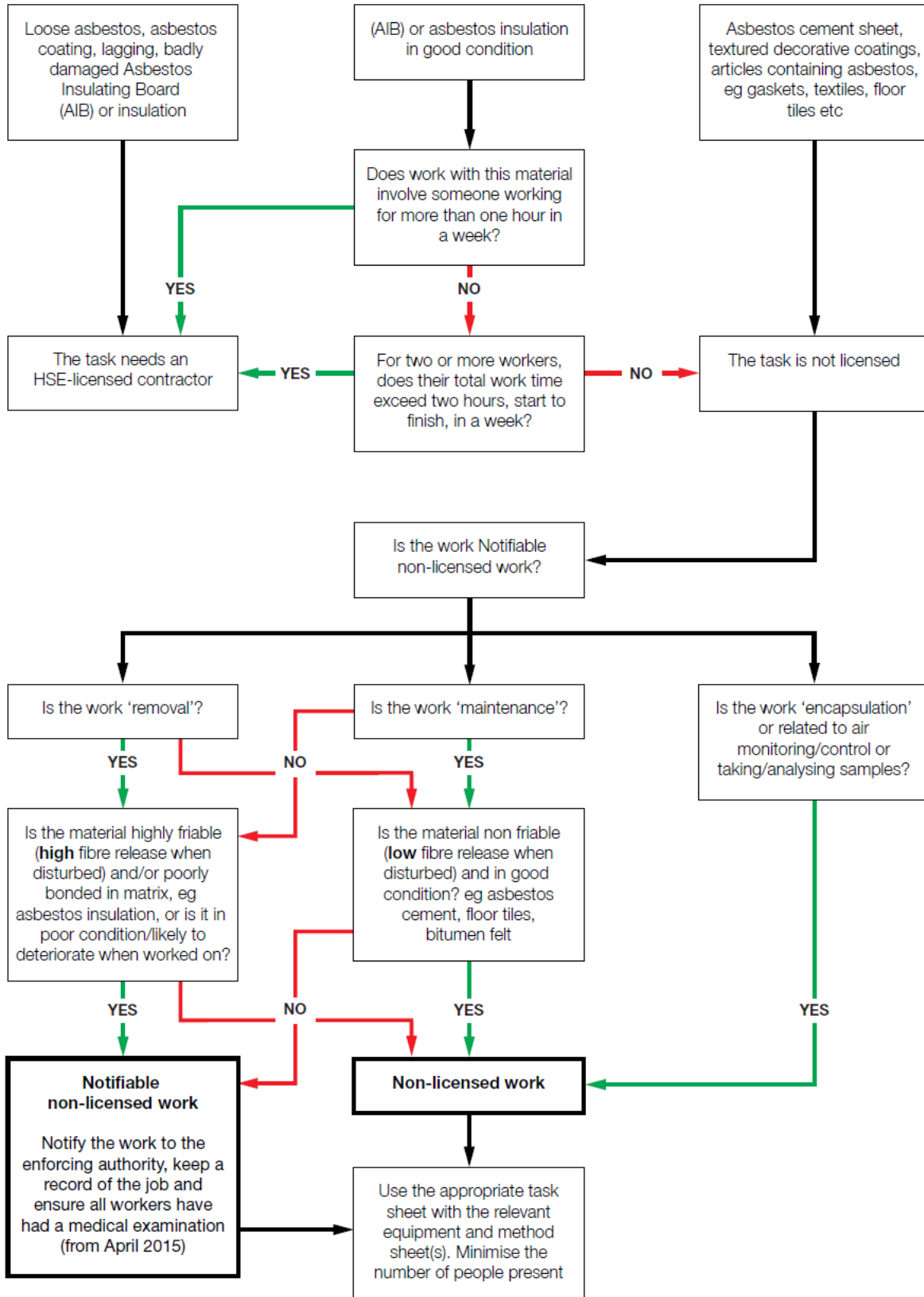
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Decision flow chart

Use this simple flow chart to help you decide who needs to do the work:



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Where any doubts exists over the correct classification or scope of asbestos works, advice will be sought from a competent UKAS accredited asbestos management consultancy prior to any works being carried out on asbestos containing materials. The Association may also appoint a competent Asbestos Project Management consultancy to scope, specify, tender and project manage asbestos contracts.

Where work does not require to be carried out by licensed contractors (i.e. Minor Works) it will, nevertheless, be undertaken in a safe manner, by appropriately trained personnel, reducing the generation of airborne dusts to as low a level as is reasonably practicable. All method statements and risk assessments for such work will be screened by a competent person prior to work commencing.

Where licensed contractors are required to carry out asbestos works, the following documentation will be requested from the contractor prior to commissioning, and copies kept in the job file:

- ✓ current asbestos licence check on HSE website;
- ✓ insurance certificate indicating the insured is covered for asbestos work;
- ✓ a representative sample of medical examination certificates (conducted by an Employment Medical Advisory Service registered doctor) for personnel who will work on the job;
- ✓ a representative sample of training records for all personnel who will work on the job (asbestos management and handling courses), usually provided by a United Kingdom Asbestos Training Association (UKATA) member;
- ✓ where applicable, notification of the job to the HSE 14 days prior to commencement;
- ✓ method statement and risk assessment for the job (Plan of Work).

At the conclusion of all asbestos works (unless included within an Asbestos Project Management package), the Association will directly appoint a UKAS accredited Asbestos Analyst to carry out the required level of inspection and test. For licensed works this will include a '4-stage clearance test' and for minor works this will include a visual inspection and reassurance air test. Care will be taken to ensure this is EXCLUDED from the contractor's initial proposal and price.

9.0 MONITORING PROCEDURES

Where the presence of asbestos is established, a monitoring schedule will be established. This will take the following form:-

Planned Monitoring

- ✓ Annually, a programme of monitoring inspections will be carried out by competent persons.

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- ✓ These persons, who will be trained in the identification and assessment of asbestos, will be issued with details, from the Asbestos Register, of location, type and condition of asbestos at each site.
- ✓ These persons will be required to assess the state of the asbestos and complete a formal report, which must be signed and dated and used to update the Asbestos Registers.
- ✓ Where the results of the assessment indicate that the condition of the asbestos has deteriorated, the appropriate steps must be taken without delay to:-
 - ❖ Report to appropriate line manager.
 - ❖ Immediately evaluate the risks to people in the vicinity;
 - ❖ Decide whether the asbestos can be made safe (i.e. sealed) or should be removed.

Unscheduled Monitoring

- ✓ The guidelines (at (1) above) should be used in instances where anyone becomes aware of a change in the condition of asbestos during normal work activities or identifies new asbestos. The management of the asbestos may need to be reconsidered in the light of unexpected events such as a fire.

10.0 RESPONSIBILITIES

10.1 Asbestos Co-ordinator

The **Director of Property Services** is delegated the duty of being the **Association's Asbestos Co-ordinator** who will:

- ✓ ensure that the Association is complying with current legislation and the Association's procedures;
- ~~✓ monitor the Action Plan for The Asbestos Management Strategy;~~
- ✓ maintain the Asbestos Register, including advising contractors and consultants of the presence of asbestos where appropriate;
- ~~✓ co-ordinate the Asbestos Management Strategy;~~
- ✓ maintain a record of asbestos related training and ensure that staff are given a level of training that is appropriate to the post;
- ✓ co-ordinate asbestos surveys and sampling;
- ✓ co-ordinate asbestos removal/remediation works;
- ✓ liaise with 'non-asbestos' works contractors;
- ✓ ensure that all appropriate asbestos information is provided and/or obtained and properly interpreted where works are liable to disturb the fabric of buildings.

10.2 Duties of Employees

Over and above the duties expressed in the Health and Safety at Work etc. Act 1974, and this policy every employee has a general duty to:

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- ✓ Report any asbestos which in their opinion is in a hazardous condition;
- ✓ Not to interfere with materials suspected of being asbestos;
- ✓ Not to collect materials for sampling purposes unless specifically trained to do so;
- ✓ Not to instruct repair works which may disturb asbestos without consulting the asbestos register to confirm the presence of asbestos, or without receiving satisfactory results from an asbestos survey / asbestos sampling.

11.0 RELATED POLICIES AND PRACTICES

The Association's Void Inspection Policy has been amended to include a visual inspection of the property for the presence of asbestos by trained OVHA staff.

The Tenants' Handbook prohibits the use of "Artex or textured paint". Whilst only pre-1985 textured paint presents a small risk to occupiers, this finish is difficult and costly to maintain in a satisfactory condition.

Consultants and contractors will be instructed to assess and advise the Association of the risk of asbestos when working on stage 3 adaptations and demolitions.

12.0 TENANT IMPLICATIONS

The Association will establish its policy on informing tenants of the possibility of ACM's being present in pre-2000 housing and on the requirements for undertaking work on their dwellings. Any such information will be subject to a formal distribution procedure.

Prior to a tenant starting work which will interfere with the fabric and/or services of a property, tenants will be required to seek advance permission from the Association. Before issuing permission, the Asbestos Register will be consulted and, where ACM's are identified within the proposed work zone the Maintenance Team will liaise with the tenant to ensure all appropriate actions are taken. Where the asbestos data is inconclusive (e.g. where a Refurbishment Survey has not been carried out), the Association will review the request and decide whether to refuse permission or to arrange for a Refurbishment Survey to be carried out.

In the event that tenants' works are liable to disturb ACM's, the Association will make a decision on the appropriate course of action, ensuring that all asbestos works are subject to the normal asbestos work procedures of the Association.

The preference for the Association is to remove asbestos where present, subject to the recommendation of the consultant. If removal in a house is not

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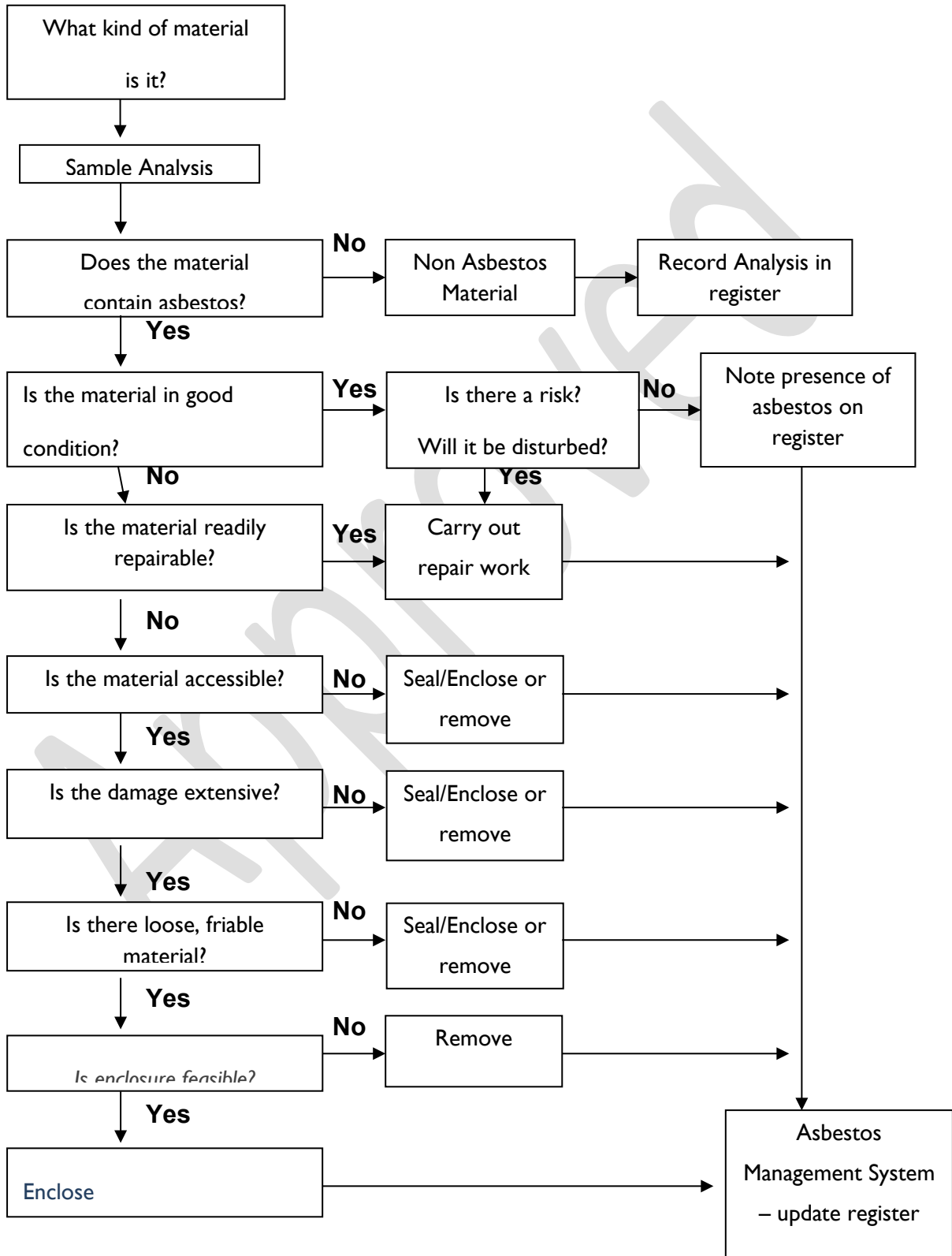
undertaken, the Association will advise the tenant of the location and presence of asbestos. The tenant will be advised that it must not be disturbed.

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APPENDIX 1

ASBESTOS MANAGEMENT SYSTEM



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APPENDIX 2

ASBESTOS MANAGEMENT SYSTEM PROACTIVE RESPONSE

The establishment of a planned survey programme is a fundamental component of the Association's proactive response to the management of asbestos.

The purpose of the survey programme is:

- (1) by inspection\information gathering to take reasonable steps to assess the likelihood of the presence of asbestos in the Association's property
- (2) to assess the risk of people being exposed to asbestos
- (3) to log the current condition of asbestos in Association properties so that any remedial work can be priced and scheduled
- (4) to establish future monitoring programmes as appropriate.

The results of the surveys will enable priorities for remedial measures to be decided and a long-term programme of work or management to be devised.

1. Office Premises

A level 3 survey was undertaken at Ochil House and no asbestos was found to be present.

A visual asbestos survey will be conducted and where work of an alteration nature is proposed an instructive survey of the affected area of the building will be carried out.

Thereafter the asbestos will be monitored or removed in accordance with the procedures outlined in this policy.

2. Association Residential Property

A sample visual survey will be commissioned using all currently available knowledge of the stock together with statistical sampling techniques in order to examine an appropriate sample of areas of houses which are considered to be at greater risk of containing asbestos.

The results of this sample survey will be used to establish priorities for further rolling survey and/or action programmes, as appropriate, which will then be implemented taking due account of the requirements of the Asbestos Policy and resource availability.

3. Survey Criteria

Surveys will consider the location/type/form/volume/condition and all relevant customer care arrangements, including the risk of people being exposed to the asbestos

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ASPECT	TOPIC SPECIFIC POLICIES – Anti-Social Behaviour Policy						

Please refer to the Association’s Anti-Social Behaviour Policy

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ASPECT	TOPIC SPECIFIC POLICIES – Business Continuity Plan						

Please refer to the Association’s Business Continuity Plan

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ASPECT	TOPIC SPECIFIC POLICIES – Construction Design and Management						

CONSTRUCTION, DESIGN & MANAGEMENT (CDM) POLICY

- 1.1 The aim of this policy is to ensure the Association effectively manages the health, safety and welfare of construction projects and promotes the ‘designing-in’ of Health & Safety considerations for future operation of premises as a Landlord.
- 1.2 The procedures detailed within this section have been written to ensure all reasonable steps are taken to comply with the Construction (Design and Management) Regulations 2015 and the Health and Safety at Work etc. Act 1974.

Definitions

Construction phase – “any period of time starting when construction work in any project starts and ending when construction work in that project is completed.”

Contractors – “those who do the actual construction work and can be either an individual or a company.”

Designers – “those, who as part of a business, prepare or modify designs for a building, product or system relating to construction work.”

Principal contractors – “contractors appointed by the client to coordinate the construction phase of a project where it involves more than one contractor.”

Principal designers – “designers appointed by the client in projects involving more than one contractor. They can be an Organisation or an individual with sufficient knowledge, experience and ability to carry out the role.”

References (see also Section 8.2 – Guidance)

- Construction (Design and Management) Regulations 2015
- Health and Safety at Work etc. Act 1974

Duties

- 4.1 The Association will have several duties throughout a project, these include:
- Assembling the project team;
 - Making respective roles clear;
 - Ensuring sufficient time and resources for each stage of the project;
 - Putting in place effective mechanisms for communication between team members;

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ASPECT	TOPIC SPECIFIC POLICIES – Construction Design and Management						

- Providing pre-construction information as soon as is practicable to every designer and contractor appointed, or being considered for appointment, to the project;
- Taking steps to ensure that the principal designer and principal contractor comply with their duties;
- Ensuring a construction phase plan is drawn up by the contractor if there is only one contractor, or by the principal contractor;
- Ensuring the principal designer prepares a health and safety file;
- Setting out steps to be followed to ensure health and safety performance is maintained;
- Providing suitable welfare facilities for workers.

The Client Brief

- 5.1 The Association will set out a clear brief for every project. The Association will clearly highlight the arrangements for how health and safety will be managed, the key requirements and the vision of the project.
- 5.2 Where the range and nature of risks involved in the work warrants it, arrangements will also include:
- The expected standards of health and safety, including safe working practices, and the means by which these standards will be maintained throughout;
 - What is expected from the design team in terms of the steps they should reasonably take to ensure their designs help manage foreseeable risks during the construction phase and when maintaining and using the building once it is built (i.e. the 'designing-in' of future H&S considerations);
 - The arrangements for commissioning the new building and a well-planned handover procedure to the new user.

Selecting the Project Team

- 6.1 The Association will ensure that all appointed individuals and Organisations have the necessary skills, knowledge and experience to carry out the required task.
- 6.2 Before appointing a contractor, the Association will obtain the following information:
- Provision of EL/PL/PI insurance details;
 - Provision of suitable references from previous clients or similar work;
 - Provision of Safety Policy;
 - Provision of licence to operate, where appropriate;
 - Provision of risk assessments and method statements;
 - Details of a membership of a Trade Organisation or a Safety Group.

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ASPECT	TOPIC SPECIFIC POLICIES – Construction Design and Management						

6.3 If there is more than one contractor involved in a project, the Association will formally appoint a principal designer and principal contractor in writing at the earliest possible stage.

Health and Safety File

7.1 The Association will ensure that in projects with more than one contractor, the principal designer prepares, updates, reviews and revises the health and safety file to take account of the work and any changes that have occurred.

7.2 If the principal designer's appointment concludes before the end of the project, the Association will ensure that the health and safety file is passed from the principal designer to the principal contractor.

7.3 When the project is complete, the Association will retain the file and ensure it is available to anyone who may need it to enable them to comply with health and safety requirements during any subsequent project.

7.4 If the property is sold to a tenant or any other Organisation, the file will be passed on to the new owner.

Notification

8.1 The Association will notify the HSE in writing when the construction work on a construction site is scheduled to:

- Last longer than 30 working days and have more than 20 workers working simultaneously at any point in the project; or
- Exceed 500 person days.

8.2 A copy of the notification will be displayed in the construction site office.

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ASPECT	TOPIC SPECIFIC POLICIES – Cleaning and Cleanliness						

Please refer to the Association’s Estate Management Policy

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ASPECT	TOPIC SPECIFIC POLICIES – Commercial Leases						

Policy Not Applicable

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ASPECT	TOPIC SPECIFIC POLICIES – Contractor Selection and Control						

CONTRACTOR SELECTION & CONTROL

Purpose

- 1.1 The aim of this policy is to ensure that only competent and reliable Contractors who are compliant with all current and relevant statutory requirements are appointed to carry out work for the Association.

References

- Health and Safety at Work etc. Act 1974
- Management of Health and Safety at Work Regulations 1999 (as amended)

Selecting Contractors

- 3.1 The Association will ensure that only qualified and experienced contractors with proven safety records are appointed to carry out work.
- 3.2 Before appointing a contractor, the Association will obtain the following information so that a suitable and sufficient assessment can be made before work activities commence:
- Provision of Public Liability/Employment Liability insurance details;
 - Provision of suitable references from previous clients or similar work;
 - Provision of Safety Policy;
 - Provision of licence to operate, where appropriate;
 - Provision of risk assessments and method statements;
 - Details of a membership of a Trade Organisation or a Safety Group.
- 3.3 Other information which may be required is:
- Description of safety training provided;
 - Health and Safety prohibition and improvement notices;
 - Accident/injury data;
 - Details of access to a qualified safety advisor.
- 3.4 The Association will maintain a matrix of contractors in use. This will include information such as that contained in Sections 3.2 and 3.3 above and will be used for monitoring areas of compliance such as insurance cover.
- 3.5 Where a contractor proposes the use of a sub-contractor for any or all of the work they are contracted to, the Association will ensure that similar checks are done by the main contractor a part of their vetting process.
- 3.6 Contractors will be advised of all significant hazards or any other factors that are associated with the works they have been contracted to carry out including health and safety standards and permits to work.

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ASPECT	TOPIC SPECIFIC POLICIES – Contractor Selection and Control						

- 3.7 At the start of any contract, contractors will be advised of the means of access and egress from the site/property and action to be taken in the event of an emergency.
- 3.8 The Association recognises its obligation to effectively ‘monitor’ contractors from a Health & Safety perspective. This will be achieved through regular recorded inspections and surveys.
- 3.9 If Contractors are seen not to be operating safely, or are in breach of their own procedures and/or site rules, the Association will take appropriate action. This may range from an on-site chat through to formal correspondence with the offending company, to dismissal from site and expulsion from future use by the Association.

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ASPECT	TOPIC SPECIFIC POLICIES – Domestic Pets						

DOMESTIC PETS

1.0 Purpose

- 1.1 The Association acknowledges that keeping a pet can offer significant health and social benefits to the owner.
- 1.2 The procedures detailed within this section are intended to facilitate the effective management of pets, ensuring that all reasonable steps are taken to comply with the Equality Act 2010, Animal Health and Welfare (Scotland) Act 2006 and all other relevant legislation.

2.0 References

- Animal Health and Welfare (Scotland) Act 2006
- Control of Dogs Order 1992
- Dog Fouling (Scotland) Act 2003
- The Control of Dogs (Scotland) Act 2010
- The Dangerous Dogs Act 1991
- The Dangerous Wild Animals Act 1976
- The Equality Act 2010
- The Microchipping of Dogs (Scotland) Regulations 2016

3.0 Definition of a Domestic Pet

The term domestic pet covers the following types of animal:

- Dog;
- Cat;
- Fish;
- Bird (caged);
- Rodent (e.g. hamster, gerbil, rat or mouse);
- Small non- venomous reptile (e.g. terrapin, tortoise);
- Non-venomous insect or amphibian (e.g. newt);
- Rabbit.

4.0 Number and Type of Pets

- 4.1 The normal standard will be no more than one or two pets (depending on type, size etc.) Each request will be looked at individually taking into account the needs of the service user, size of property, surrounding area and species of pet.
- 4.2 Requests for pets which would normally be housed externally such as rabbits, will be assessed on its merits and may be granted depending on local circumstances and the size of the hutch required in relation to garden ground.
- 4.3 Requests to erect a larger structure, for example a dog run, kennel, aviary or pigeon loft, will be considered in relation to garden size and possible

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neighbour nuisance. The Association may discuss such proposals with adjacent neighbours prior to consent being given.

- 4.4 The keeping of pets on a balcony will not be permitted.
- 4.5 Permission must be requested for large fish tanks. The size and weight of the fish tank when full of water will be taken into consideration, especially where the tenant lives in flatted property.

Application Assessment

- 5.1 Tenants, both new and existing, must request permission to keep any uncaged domestic animal (such as a cat or dog) or any exotic species of animal or reptile. The Association will then:
- Assess the request and decide if permission will be granted;
 - Keep a record of what animals are being kept by the tenant;
 - Issue the tenant with a standard agreement on pet ownership which will be signed by the tenant;
 - Remind tenants of their responsibilities in relation to keeping a pet.
- 5.2 The Association will assess any application to keep a pet under the following criteria:
- Any potential for disturbance, nuisance or distress that the pet may cause to neighbours;
 - The size and type of accommodation where the pet is to be kept;
 - The number and type of pets already in the property;
 - Any history of pet-related problems within the property or within the relevant locality;
 - Whether the tenants has had pets before and has been unable to look after them properly without causing a nuisance or annoyance to others;
 - Whether the pet will be kept for breeding purposes.

Restrictions to Keeping Pets

- 6.1 Tenants will not be granted permission to keep a dog which is prohibited by the Dangerous Dogs Act 1991 or by any other Statute or Regulation. The current list includes:
- Pit Bull Terrier;
 - Dogo Argentino;
 - Fila Brasileiro;
 - Japanese Tosa.
- 6.2 Permission will not be granted for a tenant to keep livestock or farm animals, for example sheep, goats, pigs, cattle, horses, chickens, ducks etc.

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- 6.3 Permission will not be granted if a tenant already has the maximum permitted number of pets.
- 6.4 Permission will not be granted for a tenant to keep a pet where the Association receives advice that the environment is unsuitable.
- 6.5 If the Association considers a tenant to be unfit to look after the welfare of a pet and fulfil their responsibility for keeping it under control, permission will only be granted where the tenant can evidence that alternative arrangements will be put in place. Permission will not be granted if the Association is of the opinion that the pet would be at risk of suffering.
- 6.6 The Association will consider any history of pet ownership the tenant may have, either in an Association tenancy or that of another landlord, when reaching its decision. Permission may be refused where records show a previous history of neglect or cruelty; or instances of irresponsible pet ownership, such as failure to control an animal.

Support Dogs

- 7.1 Permission to keep a support dog will be granted where a disabled tenant requests it and the animal has been provided by a recognised agency (such as Guide Dogs for the Blind, Support Dogs or Dogs for the Disabled). Where the property is not usually suitable for keeping a dog, a transfer to an appropriate property may be offered. In some circumstances a tenant may be given permission to keep a support dog in a property which would not usually be suitable for keeping dogs.

Removal of a Pet

- 8.1 The Association may request a pet to be removed from the property where:
- Permission has not been sought or it has been refused;
 - Conditions applied to the written consent have not been adhered to;
 - The pet has caused nuisance, distress or annoyance to any owner or occupier or property adjoining or within the locality of the property or has caused damage or destruction to any part of property owned or leased by the Association.

Appeals Process

- 9.1 All tenants have the right to appeal against a decision made by the Association in connection with their tenancy. Tenants can appeal if permission to keep a pet has been refused. The appeal should be made in writing within 28 days of the refusal.

Tenant Responsibilities

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ASPECT	TOPIC SPECIFIC POLICIES – Domestic Pets						

10.1 Tenants will be held responsible for the behaviour of any pets owned by or living with them. Tenants will be expected to take all reasonable steps to supervise and keep such pets under control and ensure that they do not cause nuisance to neighbours or deterioration to the condition of the property, common parts or the vicinity of the house. This includes fouling, noise or smell from the animal.

The Association may recharge a tenant for any costs incurred as a result of damage or cleaning up any mess left by a pet.

Dogs especially must be kept on a lead at all times when outside the property and dog faeces must be cleaned up immediately.

All dogs must be microchipped and have a collar displaying their owners name and address.

Tenants must also ensure pets are vaccinated and regularly treated for fleas and worms (if necessary) and not left unattended in balconies or closes.

10.2 Tenants will be required to sign a formal agreement confirming they are aware of and will abide by these conditions.

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ASPECT	TOPIC SPECIFIC POLICIES – Electrical Safety						

ELECTRICAL SAFETY

Purpose

- 1.1 The aim of this Policy is to ensure the effective inspection, maintenance and management of all electrical installations, fixtures and appliances within premises controlled by the Association.
- 1.2 All electrical repair work and Electrical Installation Condition Reports will be sub-contracted to an external competent body.
- 1.3 The procedures detailed within this section are intended to facilitate the effective management of electrical safety, ensuring that all reasonable steps are taken to comply with the Consumer Protection Act 1987 and the Electrical Equipment (Safety) Regulations 1994.

Definitions

“*Competent Person*” – person suitably trained and qualified by knowledge and practical experience, and provided with the necessary instructions, to enable the required task (s) to be carried out correctly.

References

- British Standard BS7671:2018
- The Consumer Protection Act 1987
- The Electrical Equipment (Safety) Regulations 1994

Electrical Checks

- 4.1 The Association will ensure that all electrical installations, fixtures, fittings, and any electrical equipment provided, is safe, in a reasonable state of repair and in proper working order at the start of the tenancy and throughout its duration.
- 4.2 Visual inspections on all electrical appliances will be carried out by a competent person before a tenant moves in and regularly throughout the tenancy.
- 4.3 The Association will ensure that service contractors carrying out Electrical Installation Condition Reports (EICR) are competent within the terms of the Regulations and are members of recognised professional bodies.
- 4.4 The EICR will be carried out every five years and at the start of a new tenancy.
- 4.5 The Association will retain a copy of the Electrical Installation Condition Report for six years. A copy of the most recent report will be issued to the tenant before a tenancy starts. If an inspection is carried out during a

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tenancy, a copy relating to that inspection will also be given to the tenant.

Portable Appliances

- 5.1 The Association will take reasonable steps to ensure that all appliances (e.g. electric kettles, fridges, washing machines etc.) provided as part of the tenancy agreement are safe.
- 5.2 An appropriate portable appliance testing (PAT) regime will be implemented for any appliances **owned** by the Association.
- 5.3 All portable appliances issued by the Association will have the CE Mark, the British Standard Kitemark or the 'BEAB Approved' mark.
- 5.4 The Association will issue tenants with a copy of the manufacturer's instructions for all appliances provided.

Repairs and Emergencies

- 6.1 Should any faulty equipment be observed, the Association will ask the tenant to take the item out of service until it is repaired or replaced.
- 6.2 The Association will use a competent service contractor to carry out repairs and emergency responses.

Tenant Responsibilities

- 7.1 Tenants will be issued with information on electrical safety via the Tenants Handbook, website and social media.
- 7.2 Tenants will be advised to report any electrical faults immediately.
- 7.3 Tenants will be informed of any electrical items which are prohibited within the Association's properties.

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ASPECT	TOPIC SPECIFIC POLICIES – Energy Performance Certificates						

ENERGY PERFORMANCE CERTIFICATES

Purpose

- 1.1 The aim of this policy is to ensure that all relevant properties controlled by the Association have a valid Energy Performance Certificate (EPC).
- 1.2 The procedures detailed within this section have been written to ensure all reasonable steps have been taken to comply with the Energy Act 2011, The Energy Performance of Buildings (Scotland) Regulations 2008 and all other relevant legislation.

References

- Energy Act 2011
- Energy Efficiency Directive 2012
- The Energy Performance of Buildings (Scotland) Regulations 2008

What is an Energy Performance Certificate?

- 3.1 An EPC is a document which states the energy efficiency of a building based on the standardised way the building is used and provides the building owner with recommendations on how the efficiency could be improved.
- 3.2 An EPC is needed when a property is:
 - Built;
 - Sold;
 - Rented.

Procedures

- 4.1 The Association will arrange for an EPC to be prepared by an approved EPC Assessor where a building is to be sold or let.
- 4.2 The Association will provide the EPC free of charge to a prospective tenant or buyer.
- 4.3 Where the property is used as a public building, the EPC will be clearly visible to visitors.
- 4.4 The Association will consider the recommendations of each EPC and determine whether improvements could/should be made to improve the energy efficiency performance of the premises.

Renewing the Energy Performance Certificate

- 5.1 All EPCs are valid for ten years.

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- 5.2 A new EPC will only be required if a new occupant assumes tenancy after the ten year period has exceeded.
- 5.3 EPCs may be updated if significant alterations have been made to a property after the EPC was issued.

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ASPECT	TOPIC SPECIFIC POLICIES – Event Risk Management						

EVENT RISK MANAGEMENT

Purpose

- 1.1 The aim of this policy is to ensure all events run by the Association do not pose a risk to the health and safety of staff, tenants, contractors or the public.
- 1.2 The procedures detailed within this section have been written to ensure all reasonable steps have been taken to comply with the Health and Safety at Work etc. Act 1974, the Management of Health and Safety at Work Regulations 1999 and all other relevant legislation.

References

- Fire (Scotland) Act 2005
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Health and Safety at Work etc. Act 1974
- Management of Health and Safety at Work Regulations 1999
- The Occupiers Liability (Scotland) Act 1960
- The Regulatory Reform (Fire Safety) Order 2005
- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995

Risk Assessment

- 3.1 The Association will carry out a full risk assessment for all phases of each event at the planning stage, including the site/venue preparation, the event and the site/venue breakdown or clear-up. The following areas will be taken into consideration when carrying out the risk assessment:

- The size, location and nature of the event;
- Whether the event is indoors or outdoors;
- The audience/crowd profile and dynamics;
- Whether contractors undertake certain tasks;
- Accessibility for emergency services etc.

The risk assessment will be in the form of the standard template found at **Appendix 1**.

- 3.2 All risk assessment will require to be signed off by the staff member responsible for organising the event, and the Chief Executive, or a member of the Senior Management Team in the Chief Executive's absence.
- 3.3 Appropriate control measures will be put in place to reduce or eliminate any risks identified during the risk assessment.

Contractors / Suppliers

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- 4.1 The Association will ensure all contractors have the necessary skills, knowledge and experience to carry out the required task.
- 4.2 Before appointing a contractor, the Association will obtain the following information:
- Provision of Public Liability/Employment Liability insurance details;
 - Provision of suitable references from previous clients or similar work;
 - Provision of Safety Policy;
 - Provision of risk assessments and method statements;
 - Details of a membership of a Trade Organisation or a Safety Group.

Temporary Structures

- 5.1 Temporary Structures should not be used, unless absolutely essential – the Chief Executive must approve any use of temporary structures.
- 5.2 The Association will ensure that all structures have an up-to-date inspection certificate, are flame resistant and are properly tethered and used in accordance with manufacturer’s instructions and guidance.
- 5.3 All temporary structures will be positioned in a way that does not obstruct entrances or exits.
- 5.4 All inflatable play equipment will adhere to the current British Standard (BS EN 14960-1:2019) and will have at least six anchor points.
- 5.5 Pre-user checks will be carried out on all inflatable play equipment to ensure:
- the site is suitable;
 - all anchorages are secure and in place;
 - ancillary equipment is in position (e.g. impact-absorbing mats);
 - there are no significant holes or rips in the fabric or seams;
 - the correct blower is being used;
 - the internal air pressure is sufficient to give a firm and reliable footing;
 - there are no exposed electrical parts and no wear on cables;
 - plugs, sockets, switches, etc. are not damaged;
 - the connection tube and blower are firmly attached to each other.

First Aid Management

- 6.1 The Association will ensure that there is suitable first-aid provision at all events. The results of the risk assessment will determine the number of first aiders required. All accidents, incidents or “near misses” will be recorded and retained for three years. Details of the accident will include:
- the date and method of reporting;
 - the date, time and place of the event;

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- personal details of those involved;
- a brief description of the nature of the event or disease.

Information Notices and Signage

7.1 Appropriate signage clearly displaying emergency exits, first aid points, fire points, information and lost/found children points and other welfare facilities such as toilets and drinking water will be posted around the venue/site.

Welfare Facilities

- 8.1 The Association will ensure that there are adequate welfare facilities for all events, such as toilets, hand-washing facilities, drinking water and rubbish bins.
- 8.2 There will be a designated location where enquiries can be made about lost children, lost property and for information about the event.

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Appendix 1

Landlord Facilities Safety Control Events Management

Risk Assessment Prior To Holding an Event

Policy - [H:\General\Business Monitoring including Policies Strategies Procedures etc\Approved Policies etc\Health & Safety\LSM H&S Policies\LSM Policies 2020\Event Risk Management \(LSM\) 2020 .docx](H:\General\Business Monitoring including Policies Strategies Procedures etc\Approved Policies etc\Health & Safety\LSM H&S Policies\LSM Policies 2020\Event Risk Management (LSM) 2020 .docx)

Name of Event(s)					
Date(s) of Event(s)					
Address of Event(s) and Owner					
Reason for Event					
Who is in charge? <i>(Staff Name/Job Title)</i>					
Who is attending?					
Copy of risk assessment provided to (if applicable): <i>(name/job title)</i>					
Activity/Area of Concern	Hazard Identified (what can cause harm?)	Persons at risk	Raw Risk Factor	Actions to be taken to minimise risk	Residual Risk Factor
Venue Details <i>(Owner, indoor/outdoor, ground conditions, accessibility for attendees and emergency services, adequate space available)</i>					
Emergency Procedures <i>(Attendance register, person in charge to be clear on emergency)</i>					

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<i>procedure, appropriate signage for exits, fire points etc.)</i>					
Use of Contractors <i>(Ensure all contractors have the required skills, knowledge and experience, obtain public liability/employment liability insurance details, references from previous clients, provision of safety policy and risk assessments/method statements, membership of trade organisations/safety groups)</i>					
Temporary Structures <i>(Temporary structures such as marquees, tents, or inflatable play equipment are not recommended – permission from Chief Executive required along with confirmation from insurers of cover)</i>					
First Aid Management <i>(Numbers expected, first aider provision, accident and near miss reporting procedures)</i>					
Activities Activities provided by OVHA staff					
Welfare Facilities					

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<i>(Availability of toilets, hand-washing, drinking water, rubbish bins and "lost children" point)</i>					
Staff Safety <i>(lone working, procedures at end of event)</i>					
Signed by <i>(Staff Member in charge of event)</i>					
Print Name					
Reviewed by <i>(SMT Member)</i>					
Print Name					
Date					

Approved

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ASPECT	TOPIC SPECIFIC POLICIES – Fire Safety in Housing Stock & Common Areas						

FIRE SAFETY IN HOUSING STOCK & COMMON AREAS

Purpose

- 1.1 The aim of this policy is to provide a robust fire safety framework which can be implemented to secure the safety and wellbeing of tenants, visitors and firefighters.
- 1.2 The procedures detailed within this section are intended to facilitate the effective management of fire safety, ensuring that all reasonable steps are taken to comply with the Fire (Scotland) Act 2005, the Fire Safety (Scotland) Regulations 2006 and all other relevant legislation.

Definitions

Common Area – “A common area is a portion of a property that is shared and used by multiple residents. This would include areas such as the lobby, stairway and hallway.”

Compartmentation – “subdivision of a building by fire-resisting walls and/or floors for the purpose of limiting fire spread within the building.”

Competent Person – “person, suitably trained and qualified by knowledge and practical experience, and provided with the necessary instructions, to enable the required task(s) to be carried out correctly.”

Dwelling – “a house, flat, or other place of residence.”

Emergency Lighting – “lighting provided for use when the supply to normal lighting fails.”

Fire Door – “door or shutter provided for the passage of people, air or objects which, together with its frame and furniture as installed in a building, is intended (when closed) to resist the passage of fire and/or gaseous products of combustion, and is capable of meeting specified performance criteria to those ends.”

Smoke Alarm – “device containing, within one housing, all the components, necessary for detecting smoke and for giving an audible alarm.”

Sprinkler System – “a system comprising thermos-sensitive devices designed to react at a pre-determined temperature to automatically release a stream of water and distribute it in a specified pattern and quantity over a designated area.”

HMO – “a house, premises or a group of premises with shared amenities, occupied by three or more persons from three or more families as their only or main residence.”

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References

- BS 5839-6:2019+A1:2020
- Building (Scotland) Regulations 2004
- Domestic Technical Handbook (as revised)
- Electrical Equipment (Safety) Regulations 1994
- Fire (Scotland) Act 2005
- Fire Safety (Scotland) Regulations 2006
- Furniture and Furnishings (Fire) (Safety) Regulations 1988
- Gas Safety (Installation and Use) Regulations 1998
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Health and Safety at Work etc. Act 1974
- Scottish Government Practical Fire Safety Guidance for Existing High-Rise Domestic Buildings

Fire and Smoke Alarms

4.1 The Association will provide:

- one functioning smoke alarm in the room which is frequently used by the occupants for general daytime living purposes;
- one functioning smoke alarm in every circulation space, such as hallways and landings; and
- one heat alarm in every kitchen.

4.2 All alarms will be interlinked, mains powered, and provided with an integral stand-by power supply (a minimum of class D).

4.3 The Association will ensure that fire and smoke alarms are in proper working order at the start of each tenancy.

4.4 The Association will ensure that all smoke alarms are installed in accordance with the recommendations contained in BS EN14604:2005 and heat alarms comply with BS 5446-2:2003.

NB: All smoke alarms will be required to meet this standard by February 2022.

4.5 Specialised alarms will be given to tenants who have a disability, an impairment or special needs (e.g. smoke alarms with a vibrating pad, flashing light etc.). These will be installed in addition to smoke alarms, heat alarms, or carbon monoxide detectors.

4.6 Tenants will be advised to test alarms on a weekly basis.

4.7 Where a property is held in shared ownership, responsibilities for compliance with this standard will be set out in the occupancy agreement. Proportion

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owners will be informed of the requirement to comply with this standard and all reasonable steps taken to ensure compliance.

NB: The Nest Protect System will not be sufficient to comply with the relevant standards and, as such, will not be used.

Carbon Monoxide Alarms

- 5.1 Carbon monoxide alarms will be installed in any room containing a fossil fuel burning appliance.
- 5.2 Carbon monoxide alarms will comply with British Kitemark EN 50291-1:2018.

Emergency Lighting

- 6.1 For blocks of flats and maisonettes, emergency lighting will be present in all communal areas and common escape routes. Where the emergency lighting provision is under the control of a third party (e.g. Local Authority), all reasonable steps will be taken to communicate with the third party in an attempt to ensure compliance with the procedures below.
- 6.2 The emergency lighting system will be designed to automatically illuminate upon the failure of the power supply.
- 6.3 The emergency lighting system will be tested on a monthly basis by a member of staff with a record of the test maintained for three years.
- 6.4 An annual discharge test will be performed by a competent person. This will involve simulating a power failure and conducting a test of the full rated duration of the emergency lights (e.g. three hours).

Fire Doors and Compartmentation

- 7.1 Buildings containing flats and maisonettes will be split into fire-resisting compartments by fire-resisting doors, walls and floors which will provide a physical barrier to fire.
- 7.2 Doors connecting shared parts of a multi-occupancy dwelling, such as the doors to individual flats or apartments will be rated fire doors.
- 7.3 For homes with an integral garage, the door that joins the garage to the main part of the house will be a fire door.
- 7.4 Doors used for plant rooms and service penetrations such as rubbish chutes will be fire rated.

Emergency Exit Doors

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- 8.1 The Association will ensure all doors which are to be used in an emergency can be opened from the inside without the use of a key.

Smoke Ventilation

- 9.1 Communal areas will have adequate smoke ventilation either through natural means or by mechanical ventilation.
- 9.2 Any ventilation ducts supplying or removing air from a protected stairway or entrance hall will not serve any other areas.
- 9.3 All buildings will have adequate means for venting heat and smoke from a fire in the basement.

Fire Equipment

- 10.1 Sprinklers will be installed where the Association is unable to reduce particular risks by other means.
- 10.2 Fire extinguishers will not be installed in dwellings as tenants will not be trained on the safe use of extinguishers. Accidents can occur if tenants try to use them in the event of a fire or if they are discharged through malice or horseplay.
- 10.3 To assist the Fire and Rescue Service:
- Dry risers will be installed in any building that is over 18 metres in height.
 - Wet risers will be installed in buildings over 50 metres in height.
 - Outlets will be present on each floor and located in a fire escape staircase or similar protected location.
- 10.4 Both dry and wet risers **will** be subject to a recorded visual inspection every 6 months.
- 10.5 Both dry and wet risers will be subject to a recorded pressure test every year by a competent person.

Furniture and Furnishings

- 11.1 Where furniture and furnishings are provided, the Association will ensure they are fully compliant with the Furniture and Furnishings (Fire) (Safety) Regulations 1988.

Evacuation Policy

- 12.1 Where appropriate fire evacuation procedures and fire assembly points will be clearly contained in tenancy handbooks or tenancy start-up packs which will be issued to all tenants at the start of a tenancy.

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12.2 Alternative methods will be available for tenants with language or learning difficulties (e.g. an interpreter will be used, a copy will be in braille, an audio version will be available etc.).

Signage

13.1 Fire action signs will be placed in corridors (on every level), entrance doors and common areas. Where fire safety signs are provided they will be in accordance with BS 5499 and the Health and Safety (Safety Signs and Signals) Regulations 1996.

Maintenance and Repairs

14.1 The Association will ensure premises, equipment and devices provided for fire safety are subject to a suitable system of maintenance, are maintained in an efficient state, in efficient working order and in good repair.

14.2 All repairs will be carried out within the timescale set in the Association's repair policy by a competent person.

14.3 Clear records will be maintained of the processes in place and actions carried out.

Access and Facilities for the Fire Service

15.1 The Association will ensure:

- there is sufficient means of external access to enable fire appliances to be brought near to the building for effective use;
- there is sufficient means of access into, and within, the building for firefighting personnel to effect search and rescue and fight fire; and that
- the building is provided with sufficient internal fire mains and other facilities to assist firefighters in their tasks.

Fire Risk Assessment

16.1 The legal requirements relating to Fire Risk Assessing are complex and are often taken to exclude domestic premises.

However, the Association has a legal duty to risk assess all areas defined as 'workplaces', which will include plant rooms and other non-tenant-accessible areas.

Furthermore, the fire regulations require common areas to be maintained in a certain condition suitable for the fire authority, which can often only be ensured by carrying out a risk assessment. Still further, the deaths which occurred at Lakanal and Grenfell have brought into sharp focus the importance of risk assessing high rise buildings and, indeed, all housing 'blocks'.

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(For the avoidance of doubt the Association currently has no buildings which are classified as “high rise”).

The Association will devise a Fire Risk Assessment Strategy and arrange for the undertaking of fire risk assessments (and regular reviews) by competent consultants in accordance with the Strategy.

The following will be considered in developing the risk assessment strategy:

- High rise buildings pose a particular risk to tenants and often exhibit significant uncontrolled risks.
- ‘Workplaces’ such as plant rooms come within the scope of the regulations so far as fire risk assessing is required.
- Common areas of domestic premises require to be maintained in a certain condition and may benefit from a ‘representative’ risk assessing programme.
- Particular risks may be posed by external wall systems, e.g. cladding (recognising that specialised intrusive inspection and fire performance testing may be required in some circumstances).

Tenant Responsibilities

17.1 The Association will include fire safety obligations within tenancy agreements and will issue regular fire safety information to remind tenants to:

- test smoke alarms on a weekly basis;
- ensure all communal areas are not obstructed; and
- ensure fire doors are not propped open or otherwise disabled.

17.2 Tenants will be provided with information on the fire detection system and evacuation procedures / assembly points (where applicable).

17.3 Tenancy Agreements will specifically state that front doors cannot be changed without the express permission of the Association.

17.4 Communication methods will take account of tenants with language or learning difficulties (e.g. braille, audio, different language, etc.).

Licensed Houses of Multiple Occupancy (HMOs) and commercial premises

18.1 All policies listed above will be applied. In addition to these, all licenced HMOs and commercial premises managed by the Association:

- Will be fire risk assessed by a competent assessor, with periodicity determined by the fire risk assessment;
- Will have doors opening in the direction of escape;
- Will be supplied with appropriate, maintained extinguishers;

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- Will have the fire evacuation procedure details relayed to relevant persons via the methods detailed in section 12.1 in the case of HMOs and via staff training for commercial premises.

18.2 Within commercial premises not managed by the Association, the responsibility for the completion of the fire risk assessment will fall upon the tenant. A copy of the completed fire risk assessment will be held by both the tenant and the Association.

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ASPECT	TOPIC SPECIFIC POLICIES – Furnished premises – Safety Standards						

FURNISHED PREMISES – FIRE SAFETY STANDARDS

Purpose

- 1.1 The aim of this policy is to ensure that all furniture and furnishing provided as part of a tenancy agreement is fire resistant.
- 1.2 The procedures detailed within this section have been written to ensure all reasonable steps have been taken to comply with The Furniture & Furnishings (Fire) (Safety) Regulations 1988 (as amended).

Definitions

Domestic Upholstered Furniture – “furniture that has a filling material inside a cover and is destined for private use in a domestic dwelling.”

Filling –“any material that is used in and on furniture to pad, fill or bulk out the cover.”

References

- The Furniture & Furnishings (Fire) (Safety) Regulations 1988 (as amended)
- Fire (Scotland) Act 2005
- Fire Safety (Scotland) Regulations 2006

Furniture and Furnishings

- 4.1 The Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended) set levels of fire resistance for domestic upholstered furniture, furnishings and other products containing upholstery. The Regulations apply to the following:
 - Armchairs, three piece suites, sofas, sofa beds, futons and other convertible furniture;
 - Beds, bed bases and headboards, mattresses, divans and pillows;
 - Nursery furniture;
 - Garden furniture which could be used indoors;
 - Loose, stretch and fitted covers for furniture, scatter cushions, seat pads and pillows.
- 4.2 The Association will ensure that all furniture and furnishings provided as part of a tenancy agreement adhere to The Furniture & Furnishings (Fire) (Safety) Regulations 1988 (as amended). All furniture and furnishings provided will have a manufacturer's label which will be permanent and non-detachable. Bed bases will also have a label stating that it meets the requirements set out in BS 7177:2008+A1:2011. Additionally, all upholstered items will:
 - have a fire resistant filling material;
 - pass the "match resistance test"; and

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- pass the "cigarette test".

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ASPECT	TOPIC SPECIFIC POLICIES – Gas Safety and Inspection						

GAS SAFETY POLICY AND PROCEDURES **(RESIDENTIAL PROPERTIES)**

1.0 INTRODUCTION

The aim of this Policy is to ensure the effective inspection, maintenance and management of gas systems within premises controlled by the Association. The gas safety system, inspection and monitoring programmes will also include the carbon monoxide monitoring systems which are considered to be an integral part of the gas safety management programme.

This Policy aims to ensure that the gas appliances, fittings, fires and flues that the Association provides for tenants' use are maintained in a safe condition at all times. It covers the following areas:-

- The Association's Responsibilities;
- The Contractor's Responsibilities;
- The Competence of the Contractor;
- The Gas Appliance Register;
- Annual Safety Inspection;
- The Association's Non Access Procedures;
- Gas Repairs;
- New Developments;
- Component Replacements;
- Quality Control;
- Responsibility;
- Policy Review.

1.1 The procedures detailed within this section are intended to facilitate the effective management of the contractor as well as all additional gas safety management issues, ensuring that all reasonable steps are taken to comply with the Health & Safety at Work etc. Act 1974 and the Gas Safety (Installation & Use) Regulations 1998.

1.2 Definitions within this Policy

- "Gas Appliance" – means an appliance for the heating, lighting, cooking or other purposes for which gas can be used. In general, portable or mobile appliances are not covered, except the use of portable or mobile space heaters (e.g. LPG cabinet heaters).
- "Gas Fittings" – means pipework, valves (other than Emergency Controls), regulators and meters and fittings etc. designed for use by consumers of gas.
- "Flue" – means a passage for conveying the products of combustion from a gas appliance to the external air.

2.0 THE ASSOCIATION'S RESPONSIBILITIES

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2.1 Key Legislation

- Health and Safety at Work etc. Act 1974
- Management of Health and Safety at Work Regulations 1999, as amended
- Gas Safety (Installation and Use) Regulations 1998
- Gas Safety (Management) Regulations 1996
- Gas Industry Unsafe Situations Procedure 8th Edition

The Gas Safety (Installation and Use) Regulations 1998 came into force on 31st October 1998 and covers a wide range of issues connected with the installation and use of gas appliances. However, under the terms of this legislation, the Association's specific responsibilities for its rented properties (excluding shared ownership) are as follows:

Existing Properties

Complete a Landlord's Annual Gas Safety Record for the inspection of gas appliances, fittings and flues provided by the Association within each 12 month period.

New Properties

Complete a Landlord's Annual Gas Safety Record for the inspection of all gas appliances, fittings and flues provided by the Association in recently completed property within 12 months of practical completion.

Before Occupation

Complete a Landlord's Annual Gas Safety Record before a tenant moves into a property.

Information to Tenants

Provide a copy of the certificate to the tenants of inspected properties within 28 days of the safety check.

Records

Keep all Certificates for a minimum of 2 years after the date of completion.

Certified Contractor

Ensure that all work carried out on the Association's behalf to gas appliances, fittings or flues is carried out by a Registered Gas Installer or Registered Contractor.

Make a copy of the certificate available for inspection by any lawful occupier of the inspected property at reasonable notice and provide a copy of the certificate to the tenant when it is issued.

The **Health and Safety Executive** appointed GAS SAFE on 1st April 2009 to manage and certify the registers of installers and contractors.

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The **Gas Industry Unsafe Situations Procedure 8th Edition** has significant implications for the Association's properties which contain a back boiler and gas fire. The legislation brings additional requirements for ventilation caused by the recalculation of ventilation requirements. The Association manages the implications of this legislation with the window and boiler replacement programme. If required, the boiler replacement is brought forward.

In addition, the Association provides both written and verbal instruction on heating and gas safety advice to all new tenants through demonstrations of safe use of systems and in the Tenant's Handbook.

3.0 THE CONTRACTOR'S RESPONSIBILITIES

The Contractors' responsibilities emanate from the Gas Safety (Installation and Use) Regulations 1998 and the Association's current gas contract which state that:-

- All engineers working on the Association's appliances are appointed by a Contractor who has been appointed by the Association.
- 24 hour cover is provided for the maintenance of the Association's gas appliances and flues.
- A safety check and service on the Associations gas appliances is carried out within a 12 month period. The contractor must also ensure that a carbon monoxide detector (BS 50291 certified) is installed and is working satisfactorily when the annual safety check and service is being carried out.
- A safety check and servicing programme will be produced by the Contractor and made available to the Association at least two months prior to the first safety check and service.
- Regular reports, including formal monthly reports and daily electronic updates will be received during the safety check and servicing programme period. Details on the units completed, non access to property and planned dates for the outstanding appliances will be provided to the Association by the Contractor.
- The Contractor will provide certificates which will be submitted within 7 days of any work being carried out. Job records will always be made available to the Association (e.g. electronically or direct access through a client portal), as well as submission to the Association of a daily report on all jobs undertaken.
- The Contractor is required to advise the Association immediately when an unsafe appliance is identified. The Contractor will apply a warning label to

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the unsafe appliance. The label should not be removed until repairs are complete.

- When working on the Association's appliances the Contractor will at all times comply with legislation and amend practices and procedures in accordance with changing legislation.
- The Contractor will attend monthly meetings with the Association.
- The Contractor will carry out a visual check on gas appliances, fittings and flues provided by the tenant and will report on the condition of appliances to the tenant and the Association. Any unsafe appliance should have warning labels attached. The tenant will be advised that the labels should not be removed until repairs are complete. They will also be advised of the action that they should take to rectify the fault. Quality assurance checks will focus on these properties.
- The contractor will provide a form which will record:
 - the date the appliance was checked;
 - the address of the installation(s);
 - the name and address of the Association;
 - a description of the location of each appliance and flue checked;
 - any defects identified;
 - any remedial action taken;
 - the effectiveness of the flue;
 - the supply of air;
 - the operating pressure;
 - the heat input;
 - the safe functioning of the appliance;
 - the name and signature of the operative completing the check;
 - the Gas Safe registration number of the operative or his/her employee.

4.0 THE COMPETENCE OF THE CONTRACTOR

The Association only approves competent contractors for the gas servicing contract or the installation of new appliances. In order that this objective can be achieved, all potential contractors will be required to undertake a rigorous tendering and contractor selection process. The contract will be procured in accordance with the Association's Corporate Procurement Policy.

To ensure that the Association is satisfied that the gas contractor's operatives are competent, the Association will carry out the following checks:

- Check the Contractors' operatives GAS SAFE registration by phoning the Council For Registered Gas Installers GAS SAFE direct and by obtaining a copy of their Council For Registered Gas Installers GAS SAFE registration;

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- Ensure that all engineers working on the Association’s appliances have the appropriate Accepted Certificate of Competence;
- The Association will obtain written confirmation from the Contractor that no unregistered engineer will work on the Association’s appliances;
- Copies of the engineer’s qualifications will be held in a central file at the Association’s Offices;
- The contractor method statements and procedures will be checked by a qualified third party appointed by the Association;

A formal system of contractor monitoring will be established and maintained to ensure the gas safety management system continues to operate in compliance with the agreed scope of works and with documented procedures and that any non-conformances, ineffective arrangements and problem areas are quickly identified and actioned upon.

5.0 GAS APPLIANCE INFORMATION

The Association will hold centrally information relating to all of its gas appliances. This information will detail:

- A description of the appliance(s);
- Date of installation and/or last service;
- Servicing history.

6.0 ANNUAL SAFETY INSPECTIONS

The Association will take the following steps to ensure that annual inspections can be carried out on all appliances within a 12 month period:

- The contractor will prepare and agree with the Association a programme of inspection and servicing at least 2 months before the first service is due. In cases where the tenant has historically presented difficulties in obtaining access for gas servicing, efforts to gain access will commence earlier.
- A timetable for the completion of the contract is agreed.
- The first visit is scheduled to take place 2 months prior to expiry of certificate. The Contractor will contact the tenant directly in writing and leave a postcard if the visit is unsuccessful, and advise the Association, who will then commence the “No Access” procedure. The Association will contact the tenant in writing by means of the letter(s) attached as Appendices 2 and 3. These letters emphasise the legal requirement to permit access and the safety reasons for doing so. The contractor may

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make evening or weekend appointments available at the contractor's discretion and at no additional cost to the Association.

- The contractor and the Association will retain records of all communication with the tenant as these may be required to demonstrate all reasonable efforts have been made prior to seeking legal measures to force access (see no access procedure, below).
- A procedure for non access is agreed with the Contractor.
- The Association may incur charges for forcing entry to undertake a service or to cap a supply having followed its access procedures. These charges may be recharged to the tenant.
- A maximum number of visits per day for each engineer will be eight. The maximum visits per day will be dependent on the type and number of appliances with the premises.
- That there is an agreed procedure for remedial work.

7.0 **VOID PROPERTIES**

The Association will instruct a Landlord's Annual Gas Safety Record on all void properties, as set out in the Reactive Maintenance Policy.

Where a property is to be closed up on a long term or permanent basis then the existing gas supply shall be disconnected from the pipework within the property. The gas supply shall be physically disconnected at the meter point and both cut ends blanked. Where appropriate, SGN shall be advised and requested to remove the meter supply from the property.

8.0 **THE ASSOCIATION'S NON ACCESS PROCEDURES**

The Association's procedures to secure access to a property in the event of non-access are outlined in **Appendix 1**. The Association's contractor will absorb the cost of 3 arranged visits and will charge further visits to the Association. The Association may pass on these costs to the tenant in the form of a recharge.

- **Disconnection of Supply**
The majority of the Association's properties have an external gas meter. It is the preference of the Association to cap gas meters rather than force entry as this achieves gas safety without compromising the privacy of the household. The household will be advised by letter when this action has been followed (**Appendix 6**).
- **Forced Entry**

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As a final mechanism to ensure the Association's compliance with its statutory obligations, it will force entry to carry out a service. Every effort will be made to avoid this, through written correspondence and other appropriate methods of communication which are outlined in **Appendix 1**.

At least 7 days' notice will be given to the tenant of the Association's intention to force entry. Copies of the letter advising of a forced entry will be hand delivered by a member of staff. These letters will note the Association's intention to gain entry by force if no access is provided on a specified date and time, the consequences and costs associated with non-cooperation and also the tenant's legal obligations under their tenancy agreement with the Association.

The Chief Executive (or in their absence, another member of the Senior Management team) will authorise forced entry (**Appendix 7**).

The Association will reinstate the security of the property, change locks and leave a note pinned to the door advising of the action that has taken place (**Appendix 5**). Keys will be returned to the Association's office. The Association will not force access on a Friday to maximise opportunity for the tenant to contact the Association during working hours.

The Association will seek a warrant for non-SST rented tenure households.

The Association will recover costs of any legal action and forced access through the Recharge Procedure.

Where, following forced entry, the gas/electric meters are in debt and therefore preventing the service being undertaken, the meter will be disconnected by the Association to prevent further use of the gas supply until a service takes place. A notice will be pinned to the door advising the household of the action that has been taken (**Appendix 6**).

The Association will suspend the forced access procedure if the tenant indicates that access will be granted by consent. If the tenant makes, then breaks an arrangement for access, the Association will continue to the next stage as if no arrangement had been made.

Where Housing Services staff believe a property has been abandoned, and serve the appropriate Notice, they will inform Property Services staff in order that efforts to secure access can be coordinated. Where a gas service falls due after the serving of the first abandonment notice, the Association will force entry for the purpose of securing the property and fixtures against vandalism.

Disconnected Properties

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The Association will continue to attempt to establish or maintain contact with disconnected households and will communicate with Housing Services staff to advise them of households which have been disconnected.

Arrangements will be made with the tenant of a disconnected property to reconnect the supply and undertake a service.

9.0 GAS REPAIRS

- 9.1 As well as carrying out annual servicing to gas appliances and raising landlord's gas safety records the Association, through an appointed contractor, will provide a full reactive repairs and emergency response service. This will be properly defined and tenants made aware of the gas company's services and contact details in this regard.
- 9.2 Conditions of Tenancy refer to gas safety obligations and duties will be clearly set out within Tenancy Agreements. The Association will define a procedure for dealing with unauthorised gas installations, repairs, disconnections and other gas related activities which breach the Tenancy Agreement.
- 9.3 Tenants should report any gas repairs as directed by the Association, and different arrangements may apply for within and out with office hours.
- 9.4 The gas service contractor will visit properties, (following any attendance by Scotland Gas Networks, if applicable) to assess the problem and repair any faults.
- 9.5 A daily report on all jobs undertaken will be submitted to the Association and the details will be logged onto the repairs history for that property for record purposes.
- 9.6 The Association must ensure that any outstanding problems highlighted on the job sheet are followed, where applicable, examined including:
- The effectiveness of any flue;
 - The supply of combustion air;
 - Its operating pressure and heat input;
 - Its operation so as to ensure its safe functioning.

Where the contractor has been unable to obtain access to undertake necessary repair work the contractor must bring the situation to the attention of the Association. The Association will ensure that the tenant is contacted as quickly as the situation demands.

- 9.7 The Tenant's Handbook will include a section on Gas Safety and will advise a tenant to notify Scotland Gas Networks immediately of any suspected gas leak.

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- 9.8 Currently SGN have a statutory duty to attend gas escapes reported to them. Attendance will be made within 2 hours if a tenant has been able to turn off the gas supply using the emergency control valve on your meter. If a tenant has been unable to turn off the gas supply at the emergency control valve, SGN will attend within 1 hour.
- 9.9 In the main, gas escapes are likely to occur within individual properties and tenants should in the first instance contact SGN Emergency Services.
- 9.10 Recognising that SGN will normally shut down the gas supply to an individual property where a leak is found and will not carry out any further works it is, recognised as good practice for the Association to follow up a report of a gas leak by instructing the gas contractor to attend.
- 9.11 Where repairs cannot be readily made and the heating system remains switched off the contractor will be asked to provide temporary heating and will advise the Association of the repair problem in order to agree remedial work.
- 9.12 When temporary heating is required, LPG or other bottled gas heating sources will not be provided to tenants as a temporary source of heating. Where electrical heaters are provided as a temporary source of heating, the Electrical Safety policy should be consulted. Tenants will be reimbursed for the cost of temporary heaters in line with our Customer Payments Policy.

10.0 NEW DEVELOPMENTS

The Association receives a Practical Completion certificate for each property at handover.

Commissioning information, including the Benchmark Book, is passed from the Sub-contractor to the Main Contractor and is retained by the Association on the Health and Safety File.

11.0 COMPONENT REPLACEMENTS

In accordance with the Building (Scotland) Regulations 2004 (as amended) – Technical Handbooks a Carbon Monoxide detection system will be installed.

The Association receives a Landlords as Safety Record for each property at installation.

Commissioning information, including the Benchmark Book, is passed from the Sub-contractor to the Main Contractor and is retained by the Association on the Health and Safety File.

12.0 QUALITY CONTROL

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In order to monitor the performance of all gas servicing engineers and the gas servicing contracts the Association will:

- Ensure that a 10% quality control on servicing and day to day repairs is carried out by the Contractor at the expense of the Contractor. Details of each inspection will be supplied to the Association on a monthly basis and discussed at monthly progress meetings.
- Set up a monitoring system to ensure that their 10% targets are being met.

The monitoring system will include, as a minimum, timeous review of:

- All servicing and repair certificates;
- Unsafe gas systems;
- No access procedure, notices and problems;
- Properties 'over 12 months';
- Void properties;
- Quality assurance / quality control reports;
- Repairs and maintenance reports.

The Association will:

- Employ a suitably qualified person to carry out third party quality control on 10% of works carried out by passing 10% of each batch of certificates received to the Quality Assurance Contractor to carry out an independent inspection of the main contractor's servicing practices. The Association will employ a Quality Assurance Contractor to check 10% of the work carried out by the Contractor.
- Hold monthly meetings with the contractor to discuss the findings of the internal and external quality control and other aspects of the contract that may arise.
- Post inspections on work undertaken by gas contractors will be carried out by the Association's appointed Quality Assurance Contractor.

In the event of a grievance arising from the monitoring process or where discrepancies and deficiencies are uncovered, the Association will require the contractor to instruct at the contractor's own cost, Gas Safe to carry out an investigation with all findings copied to the Association.

Any further action against the contractor will be considered by the Board of Management, following a report from the Director of Property Services.

13.0 RESPONSIBILITY

The Gas Safety Policy should identify persons responsible for the policy's implementation and their specific responsibilities. They are as follows:

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The Gas Administrator role will be undertaken by the Property Services Officer (Reactive and Gas) and will involve:

- ✓ Maintaining a record of all gas appliances installed in the Association's managed properties, their previous service date, and copies of landlord's paper gas safety certificates, or approved electronic certificates. This will be the master copy of information from which budgets and the annual planned servicing programme will be derived.
- ✓ Ensuring that an annual service and safety check is carried out on all gas appliances in the Association's tenanted properties and in all properties managed by the Association. This obligation will be met through the implementation of a planned service programme. Void properties will also be serviced prior to commencement of any new tenancies.
- ✓ Ensure quarterly reports are compiled which advise of the number of properties with current gas safety certificates.

Task	Job Holder Responsible
Overall Responsibility	Chief Executive
Signing the Gas Contract.	Secretary and two members of the Board of Management
Delivery of the Gas Management Programme	Property Services Officer (Reactive and Gas)
Administration of the gas safety management programme	Property Services Officer (Reactive and Gas)
Ensuring that a copy of the contractors GAS SAFE (Council For Registered Gas Installers) registration is verified by GAS SAFE.	Property Services Officer (Reactive and Gas)
Ensuring that all the contractor's engineers' ACCC (Accepted Certificate of Competences) certificates are received.	Property Services Officer (Reactive and Gas)
Ensuring that the service programme is received 2 months before the servicing commences.	Property Services Officer (Reactive and Gas)
Ensuring that the specified volume of quality control is carried out by the contractor.	Property Services Officer (Reactive and Gas)
Issuing and Checking the landlord certificates, the work orders and the Quality Control Sheets.	Property Services Officer (Reactive and Gas) / Property Services Assistant
Examining, checking and filing certificates	Property Services Assistant
Ensuring that landlord certificates and job sheets are submitted on a regular basis.	Property Services Assistant
Post inspection surveys of the contractors work on site.	Gas Quality Assurance Contractor
Ensuring that the gas register is kept up to date.	Property Services Officer (Reactive and Gas)

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Ensuring that the Board of Management are given an annual report on the gas safety checks / servicing completed and the level of non access	Director of Property Services
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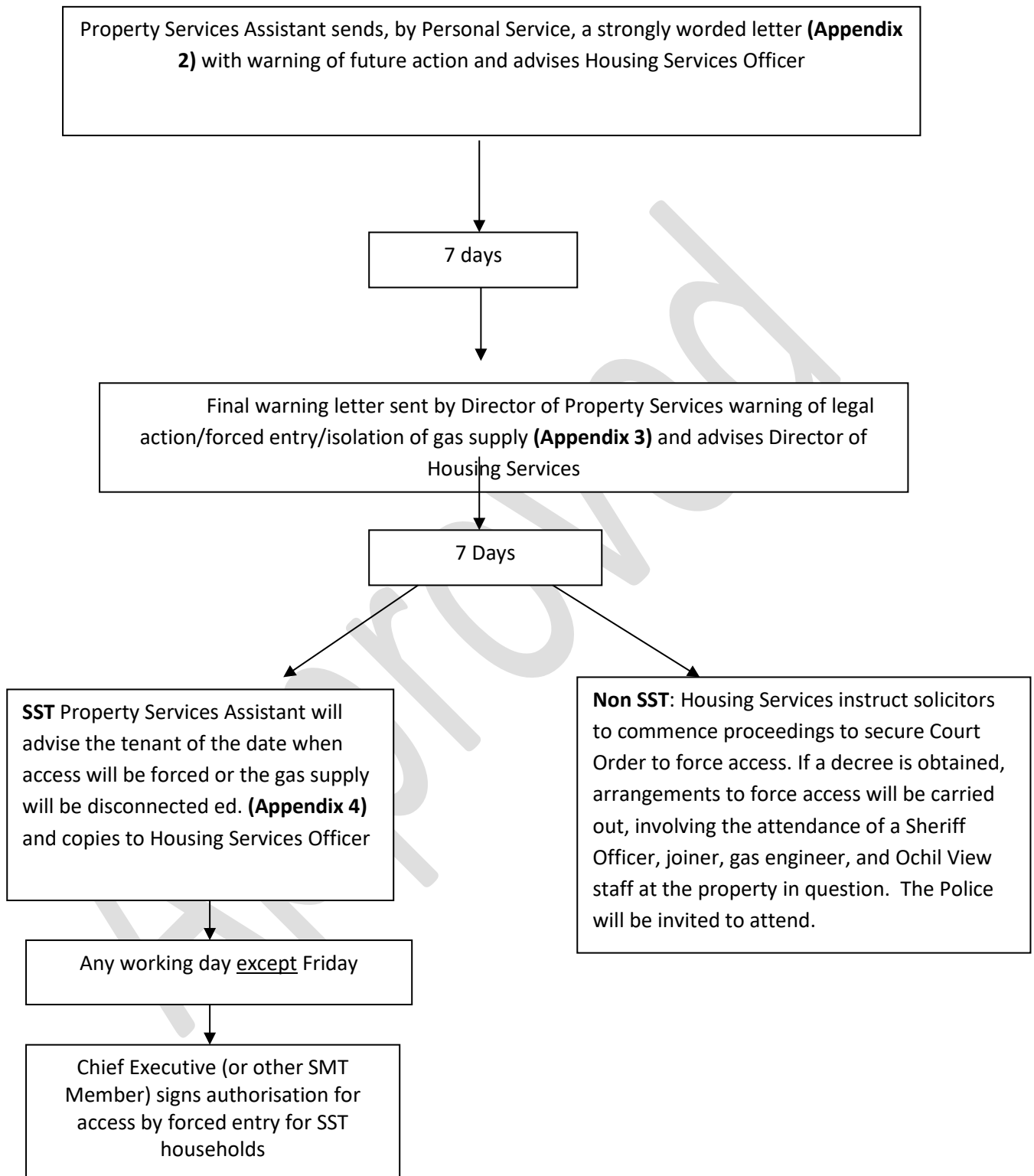
14.0 **RIDDOR**

- 14.1 In relation to gas safety there are duties imposed upon gas conveyers, suppliers, etc. to report cases whereby death or a major injury (as defined by regulations) occurs out of or in connection with the gas supplied
- 14.2 It is also recognised that a contractor will have a duty to formally report certain situations where it is deemed likely that the gas installation may cause death or major injury. The types of faults likely to cause death or major injury and would be reportable include: -
- A dangerous gas leak arising, for example, from the use of unsatisfactory materials or bad workmanship.
 - A gas appliance which spills products of combustion or shows signs of incomplete combustion or shows signs of combustion problems due to inadequate ventilation.
 - An appliance which is not suitable for use with the gas supplied.
 - An appliance in which a safety device has been made inoperative.
 - Use of unsatisfactory materials in gas connections.
 - An appliance installation which has become dangerous through faulty servicing.
 - Further information on RIDDOR is contained within the Accidents Policy of the Association's Health & Safety Manual.

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Appendix 1

NON ACCESS PROCEDURES



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Appendix 2

Strongly worded letter from the Association (First Letter - following no response to first Ochil View Housing Association letter)

Dear tenant,

Annual Gas Service

Ochil View Housing Association's Gas Contractor (Contractor name) has recently been unable to gain access to your home in order to carry out the Annual Service of your gas heating system (& appliances), which was last serviced on **INSERT DATE**.

The Association is required by Health and Safety Legislation to carry out an inspection of the gas heating systems within its housing stock at least once every 12 months. Unless access is made available the Association will take the view that the gas installations may present a potential hazard to the health and safety of you and neighbouring tenants and this constitutes a situation requiring emergency access.

In these circumstances the Association is entitled to access to your property. Unless you contact this office within 7 days from the date of this letter, to arrange an appointment for access, action will be initiated force access or disconnect your gas supply. You will be charged for costs arising from this action.

Please ensure that there is sufficient credit on your gas and electricity meters for the service to be undertaken.

We trust this will not be necessary and would now ask you to contact Ochil View Housing Association on 01259 722899 as a matter of urgency.

Please note that as part of quality assurance checks you may receive a visit from our contractor (Contractor name). These post inspections can be carried out any time between 8am and 7pm Monday-Sunday. Please provide access when suitable.

Yours sincerely,

Property Services Officer (Reactive & Gas)

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Appendix 3

Final Warning letter from the Association (prior to beginning legal action)

Dear name,

Annual Gas Safety Inspection

The Association has tried on at least 3 occasions to gain access to your home to service your gas central heating system.

This annual gas safety inspection is required by law and your Tenancy Agreement. By not allowing the inspection to take place, you are putting you and other occupiers of the house in danger of Carbon Monoxide poisoning.

A further attempt to gain access and carry out the inspection will be made on INSERT DATE. Please ensure that both your gas and electricity meters contain sufficient credit for the check to be undertaken. If we are unable to gain access we will force access to your home or disconnect your gas supply. You will be responsible for the costs of this legal action and the costs of forcing entry.

We sincerely hope this will not be necessary and urge you to contact the Association immediately to confirm you will keep the appointment noted above.

Yours sincerely,

Director of Property Services

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Appendix 4

Letter notifying tenant of proposed forced entry delivered by hand

Dear tenant,

GAS SAFETY CHECK – FORCED ENTRY/DISCONNECTION OF SUPPLY

We refer to previous correspondence regarding the above and note that you have not provided access for this work to be undertaken.

Arrangements have now been made for our Gas Engineer to access your property and undertake the safety check or disconnect your gas supply on **INSERT DATE**

Staff from the Association's Property and Housing Services will be in attendance. Should access not be made available to us, our contractor will be instructed to open the door by forcing entry to disconnect your gas supply.

If we have to force entry, then the locks to the property will be changed. The keys for the new locks will be available at our office. Out with working hours, you will need to phone the Association's out of hours service to obtain keys.

YOU WILL HAVE TO PROVIDE IDENTIFICATION IN ORDER FOR THE KEYS TO BE ISSUED TO YOU.

PLEASE NOTE THAT YOU WILL BE INVOICED FOR ALL COSTS ASSOCIATED WITH THIS WORK.

Yours sincerely,

Chief Executive

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Appendix 5

Notice, on Ochil View headed paper, to be pinned to door following forced entry and lock change

Dear tenant

A service engineer has been unable to gain access to your home to service your gas appliance.

IN ORDER TO CARRY OUT THIS WORK, ENTRY HAS NOW BEEN FORCED TO THE PROPERTY AND LOCKS HAVE BEEN CHANGED.

You may collect the new set of keys from your Housing Officer at Ochil House during office hours which are

Monday-Friday 9am–5pm

Outwith office hours please contact the Association's Emergency Contractor to collect your keys.

As you have repeatedly denied access to the Association, we do not accept responsibility for any inconvenience which you experience as a result of the lock change.

You should bring a form of identity with you as you will need to show this before the new keys are issued to you.

If your gas or electricity meter has run out of credit, the engineer will not have been able to undertake the service and will have disconnected your supply. Please ensure your meters have credit and phone the Association to arrange for your inspection to be undertaken.

FOR AND ON BEHALF OF OCHIL VIEW HOUSING ASSOCIATION LIMITED

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Appendix 6

Notice, on Ochil View headed paper, to be hand delivered regarding disconnection of gas supply

Dear tenant,

A service engineer has been unable to gain access to your home to service your gas appliance.

FOR SAFETY REASONS, THE GAS SUPPLY TO YOUR HOME HAS BEEN DISCONNECTED.

Please ensure that your meters are in credit and contact the Association to arrange for your service to be undertaken, our office hours are:

Monday-Friday 9am–5pm

As you have repeatedly denied access to the Association, we do not accept responsibility for any inconvenience which you experience as a result of the isolation of your supply.

FOR AND ON BEHALF OF OCHIL VIEW HOUSING ASSOCIATION LIMITED

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Appendix 7

Authorisation to force entry.

Authorisation for access by forced entry to carry out Gas Servicing Repairs

To the Chief Executive

The following SST tenant has failed on more than 3 arranged appointments to give us access to their home to enable us to carry out a gas service/safety check.

Authorisation is sought to force entry to the property to carry out the outstanding work. The information provided below details our attempts to inform the tenant of our requirements to access their home.

Your authorisation is sought to force entry to the house on the date provided below, should the tenant continue to prevent access.

TENANT NAME

Appointments made by contractor – INSERT DATES

Letter 1 – INSERT DATE

Letter 2 – INSERT DATE

Letter 3 – INSERT DATE

Final Appointment – INSERT DATE

I confirm that a signed copy of the SSTA is on file

Date of letter notifying date of proposed forced entry – INSERT DATE

Date and time of proposed forced entry – INSERT DATE

Signed _____ Housing Services Officer
Date _____

Signed _____ Chief Executive
Date _____

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ASPECT	TOPIC SPECIFIC POLICIES – Hygiene of Tenancies						

HYGIENE IN TENANCIES

1.0 Purpose

- 1.1 The aim of this policy is to define the Association's responsibilities with regard to hygiene in domestic properties.
- 1.2 The procedures detailed within this section are intended to facilitate the effective management of hygiene in tenancies and to ensure that appropriate living conditions are maintained in all domestic properties under the Association's control.

2.0 References

- Housing (Scotland) Act 1987
- The Building (Scotland) Regulations 2004

3.0 Procedures

- 3.1 The Association has a general duty to ensure our tenants' health is not affected by unsuitable living conditions. The Association's responsibilities relating to the hygiene of tenancies are outlined below:

- Appropriate heating systems will be safely installed in all properties to allow the tenant to control the temperature;
- All external windows and doors will be fitted properly to prevent draughts;
- There will be adequate ventilation in all properties;
- Extractor fans will be installed in kitchens and bathrooms where opening windows are not present;
- Appropriate repair work will be carried out on the windows, roof and plumbing if required.

- 3.2 The Association will inform tenants that some of their general everyday activities such as: cooking, leaving clothes to dry in rooms and on radiators and taking hot showers can cause condensation which can lead to dampness and the growth of mould. The tenant will be advised to open windows and doors when carrying out these activities. The tenant will also be advised to consistently heat their whole property.

4.0 Tenant Responsibilities

- 4.1 Tenants are responsible for reporting any external and internal defects that appear as soon as possible.
- 4.2 If damage is caused as a result of the tenant's negligence, the Association will not be responsible for:
- carrying out repair work;

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- decorating the property;
- the cost of the above.

Approved

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ASPECT	TOPIC SPECIFIC POLICIES – Information to Tenants and Tenancy Agreements						

We provide tenants with information through Scottish Secure Tenancies, Tenant Handbooks, our website, social media and newsletters.

Approved

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ASPECT	TOPIC SPECIFIC POLICIES – Lifts Safety						

LIFT SAFETY

Purpose

- 1.1 The aim of this Policy is to ensure the effective inspection, maintenance and management of all lifts controlled by the Association.
- 1.2 The procedures detailed within this section have been written to ensure all reasonable steps have been taken to comply with the Lifts Regulations 1997, the Lifting Operations and Lifting Equipment Regulations (LOLER) 1998 and all other relevant legislation.

References

- The Equality Act 2010
- Disability Discrimination Act 1995 and 2005
- Health and Safety at Work Act etc.1974
- Lifts Regulations 1997
- Lifting Operations and Lifting Equipment Regulations (LOLER) 1998
- Management of Health and Safety at Work Regulations 1999, as amended
- Provision and use of Work Equipment Regulations 1998 (PUWER)
- Scottish Housing Quality Standards (SHQS)
- Supply of Machinery (Safety) Regulations 2008
- The Testing and Assessment of Lifts 1998 LG1
- Workplace (Health, Safety & Welfare) Regulations 1992 (as amended)

Definition of Lift

- 3.1 The Lifts Regulations 1997 define a 'lift' as:

“a lifting appliance serving specific levels, having a car moving along rigid guides or a fixed course and inclined at an angle of more than 15 degrees to the horizontal, intended for the transport of:

- *People;*
- *People and goods;*
- *Goods alone, if a person may enter without difficulty and fitted with controls inside the car or within reach of a person inside.”*

Installation of Lifts

- 4.1 The Association will ensure that all lifts are manufactured and installed in accordance with the Lifts Regulations 1997 and have a current Declaration of Conformity.
- 4.2 In specifying new lifts, stairlifts and escalators, awareness of users' special needs will be considered. In particular, attention will be given to the level of control buttons, sound controls, braille buttons and access for wheelchairs

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and walking aids. Where reasonably practicable, lifts will be fitted with emergency seats and with two-way communication systems for use in emergency situations. With regard to stairlifts, appropriate safety signs and instructions for use will be clearly displayed at each end of travel.

- 4.3 Stairlifts will only be considered where the installation of a passenger lift is not a viable option.

Periodic Inspection and Testing

- 5.1 The Association will ensure that all lifts are subject to a formal Inspection regime:

- after substantial and significant changes have been made;
- at least every six months if the lift is used at any time to carry people;
- following "exceptional circumstances" such as damage to, or failure of, the lift, long periods out of use or a major change in operating conditions which is likely to affect the integrity of the equipment.

- 5.2 Formal Inspections will inspect the following:

- Landing and car doors and their interlocks;
- Worm and other gearing;
- Main drive system components;
- Governors;
- Safety gears;
- Suspension ropes;
- Suspension chains;
- Overload detection devices;
- Electrical devices (including earthing, earth bonding, safety devices, selection of Fuses, etc.);
- Braking systems (including buffers and over speed devices);
- Hydraulics.

- 5.3 Formal Inspections will be carried out by an Independent Inspection Company.

- 5.4 In addition to the formal Inspection regime, simple routine safety checks of lifts will be carried out and recorded by the Association on a monthly basis. These will be carried out from the safety of lift landings and will include:

- checks to ensure the bottom of the doors run smoothly in their channels and grooves and when a moderate force is applied to the bottom of the door it is not deflected into the lift car and shaft;
- checks to ensure the build-up of debris and grease in the channels is not adversely affecting safety;
- checks to ensure the guide shoes on the bottom of the doors and the

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channels and grooves are not damaged.

- 5.5 Should any lift be seen to be faulty, it will be immediately put out of use and the Association will arrange for any necessary corrective actions to be taken. Advice will be sought from a competent person where there is any doubt over safety. Records will be filed by the FSA of all checks carried out, along with any documentation in relation to faults etc.

Routine Maintenance

- 6.1 The Association will engage suitably experienced and qualified companies to carry out routine maintenance on all lifts. This will include checking and replacing worn or damaged parts, lubrication, replacing time-expired components, topping up fluid levels, and making routine adjustments. This is to ensure the equipment continues to operate as intended, and risks associated with wear or deterioration are avoided.

Identifying Defects

- 7.1 If a defect is identified which is, or could become, dangerous, the lift will be immediately made out of use and the repair will be carried out within 24 hours. The lift will not be useable until the defect has been satisfactorily remedied.
- 7.2 Minor defects which do not affect the primary function or the safety features of the lift will be actioned within five working days.

Documentation and Reporting

- 8.1 The Association will ensure a written and signed report is provided by the Independent Inspection Company within 28 days of the thorough Inspection being carried out.
- 8.2 Thorough Inspection reports will be retained for at least two years or until the next report is carried out, whichever is the later.

Stair Lifts

- 9.1 The Equality Act 2010 (the '2010 Act') requires the Organisation, in its capacity as a Registered Social Landlord ('RSL') to actively take steps to prevent discrimination which includes the duty to make 'reasonable adjustments' to premises.
- 9.2 Where installation of a stair lift is likely to require alteration to the fabric of the building, the necessary planning permission / building control will be sought.
- 9.3 All stair lifts will undergo routine maintenance, inspections and a 6-monthly thorough examination.

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9.4 The Association will ensure that all new stair lifts are safe, supplied with instructions, have a Declaration of Conformity and the British Standard Kitemark or CE marking.

Emergency Equipment

10.1 All lifts will have a communication system which will include a telephone or a two-way voice system so that a person trapped inside can raise the alarm.

10.2 All lifts will have adequate emergency lighting in the lift car.

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ASPECT	TOPIC SPECIFIC POLICIES – Lighting						

LIGHTING

Purpose

- 1.1 The aim of this policy is to ensure adequate natural, electrical and emergency lighting is provided in domestic premises owned by the Association.
- 1.2 The procedures detailed within this section are intended to comply with the requirements set out in the Building (Scotland) Regulations 2004 and the Fire Safety (Scotland) Regulations 2006.

References

- Fire (Scotland) Act 2005
- Housing (Scotland) Act 1987
- The Building (Scotland) Regulations 2004
- The Fire Safety (Scotland) Regulations 2006

Landlord Responsibilities

- 3.1 The Association will ensure that all tenanted properties and communal areas are adequately lit to ensure occupiers can carry out general every day activities and in the event of an emergency can exit the premise safely.

Procedures:

- 4.1 In properties containing flats and maisonettes, the common escape routes will be adequately illuminated to ensure occupants can exit the building safely.
- 4.2 An Emergency lighting system will be present in common escape routes and designed to automatically illuminate upon the failure of the power supply.
- 4.3 The Association will carry out and record periodic inspections of the emergency lighting system.
- 4.4 All domestic premises will be provided with a natural source of light to ensure the health of the occupant is not threatened.
- 4.5 Windows will be fitted on communal stairways and landings where practicable.
- 4.6 Artificial lighting will be installed in communal areas. The Association will ensure the lighting does not present sources of glare or create shadows.
- 4.7 Communal stairways and landings will have a lighting level of at least 100 lux.
- 4.8 Electrical lighting will be provided in all rooms with a switch immediately at the entrance of the room.

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- 4.9 A light switch will be provided at both the top and bottom of staircases.
- 4.10 The Association will install external lighting in residential car parks.
- 4.11 The Association will maintain and record a lighting inspection programme and will replace bulbs and fixtures in communal areas when required.

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ASPECT	TOPIC SPECIFIC POLICIES – Plant, Equipment and PPE						

PERSONAL PROTECTIVE EQUIPMENT, PLANT & EQUIPMENT POLICY

1.0 PURPOSE

1.1 The aim of this Policy is to ensure:

- ✓ that appropriate Personal Protective Equipment (PPE) is available and is correctly stored and maintained.
- ✓ that personnel are adequately trained in the correct use of PPE, where required.
- ✓ the effective inspection, maintenance and management of plant, equipment and vehicles.

1.2 The procedures detailed within this section have been written to ensure all reasonable steps have been taken to comply with the Health and Safety at Work etc. Act 1974, the Provision and Use of Work Equipment Regulations 1998 and the Lifting Operations and Lifting Equipment Regulations 1998.

2.0 DEFINITIONS

Personal Protective Equipment (PPE) – “equipment that will protect the user against health or safety risks at work. It can include items such as safety helmets and hard hats, gloves, eye protection, high-visibility clothing, safety footwear and safety harnesses.”

Lifting equipment – “work equipment for lifting and lowering loads. This includes lifting accessories and attachments used for anchoring, fixing or supporting the equipment.”

3.0 REFERENCES

- Health and Safety at Work etc. Act 1974
- Lifting Operations and Lifting Equipment Regulations 1998
- The Personal Protective Equipment at Work Regulations 1992
- Provision and Use of Work Equipment Regulations 1998

4.0 BACKGROUND

This policy complies with the Associations Strategic Objective:6;

To ensure that the Association recruits and retains sufficiently trained and experienced Committee members and suitably qualified staff and satisfies all health, safety and environmental requirements and legislation. (Strategic Objective 6) (Human Resources and Health & Safety)

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It also complies with the Associations Health & Safety Manual and in particular sections:

Section No. 3.8 Display Screen Equipment (DSE)
Section No. 4.4 Personal Protective Equipment (PPE)

5.0 DEFINITION & ENTITLEMENT

Personal Protective Equipment (PPE) includes a range of clothing and protective devices to protect the wearer from health and safety risks at work. PPE includes such items as hard hats, respirators, safety boots, protective gloves, weatherproof clothing, overalls etc.

If there are risks to health and safety that cannot be adequately controlled by other means, Personal Protective Equipment (PPE) will be supplied.

All tasks which require PPE shall be identified in the General Risk Assessments carried out under the Association's HSCM (for both routine and non-routine operations). PPE shall only be used as a last line of defence, acceptable only where elimination or substitution of the hazard, segregation or engineering/operational controls has already been considered and exhausted to manage the risk.

A matrix outlining staff PPE will be kept outlining staff members entitlement to PPE.

All PPE shall be fit for purpose, properly sized, serviced and maintained, correctly stored, kept clean and compatible with other PPE required to be worn. Where appropriate, only PPE with a CE mark shall be purchased. To ensure that PPE remains hygienic and otherwise free of risk to health, all such equipment shall only be used by the individual to whom it is issued.

The Association will ensure that all equipment is:

- suitable for the intended use;
- safe for use, maintained in a safe condition and inspected to ensure it is correctly installed and does not subsequently deteriorate;
- used only by people who have received adequate information, instruction and training;
- accompanied by suitable health and safety measures, such as protective devices and controls. These will normally include emergency stop devices, adequate means of isolation from sources of energy, clearly visible markings and warning devices;
- used in accordance with specific requirements.

6.0 REGISTER

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The Association will maintain a register of all personal protective equipment which has been issued to staff. It is the responsibility of the health and safety administrator to ensure this register is kept up to date in line with invoices and expenses paid. The register will detail the following;

1. Name and title of staff member
2. Details of goods supplied and when
3. Size / Reference No. of goods supplied
4. Actual value
5. Next renewal date

7.0 REPLACEMENT CYCLE

The following will be the replacement cycle for PPE equipment and services:

<u>Item</u>	<u>Replacement Cycle</u>
Outdoor jackets	3 years
Fleeces	3 years
Hard wearing footwear	3 years
Steel toe capped boots	3 years
High Vis Vests	10 years
Hard Hats	3 years or before expiry date
Personal Alarms	As required
Mobile Phones	Reviewed every two years
Eye Test Payment	Free
Spectacles Allowance	Every 2 years (only)

The Association will ensure that all equipment is maintained in an efficient state, in efficient working order and in good repair. Items may be replaced before these timescales if they are defective or damaged. This decision should be at the discretion of the departmental manager.

Items should be retained for longer if they are still serviceable at the end of the above periods.

8.0 ORDERING GOODS & SERVICES

When ordering goods and services the staff member is required to complete a form a copy of which is attached at **Appendix 1**.

The form should be checked by the departmental manager that goods are being ordered in accordance with the timescales and budget limits set out above.

The form should be signed by the staff member and authorised by the departmental head. Any discretionary awards made should be noted in the comments box.

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The form should then be passed to administration who will order the goods and arrange for them to have the company logo put onto all items once received. A copy of the form should be passed to finance for their records.

9.0 EYE TESTS

The Association’s Health and Safety Manual, Section No. 3.8 A, Display Screen Equipment (DSE) defines a user as “a worker or employee who regularly uses DSE as a significant part of their normal work – daily, for continuous periods of an hour or more”

On the basis of the above definition **all** of the Associations staff will be deemed DSE users.

When spectacles are prescribed **specifically** for work with DSE, the Association will provide the basic cost of suitable lenses and frames. This will not include “designer frames”, the extra cost of which may be funded by the employee. The Associations contribution towards **prescribed spectacles** will be up to the maximum per the published EVH guidelines and will be available to staff every 2 years.

All new employees will be made aware of this eye test policy.

10.0 RESPIRATORY PROTECTIVE EQUIPMENT (RPE)

Where respiratory protective equipment (RPE) is required (e.g. dust masks or respirators), a satisfactory face-fit test will be carried out by a competent person before the RPE is used. Repeat fit tests will be carried out where a different model of RPE is to be used, where a new face piece is required or where the facial characteristics change significantly.

11.0 TRAINING

Staff requiring the use of PPE will be trained in its correct use (which will include demonstrations where deemed necessary) and in the appropriate procedures for reporting defects etc

12.0 RESPONSIBILITY

Section B1 of the EVH – Statement of Terms and Conditions of Employment – 2015 states that “*If we provide protective clothing, you must wear it and are responsible for looking after it and making sure it remains effective.*”

All PPE will be fit for purpose, properly cleaned, serviced and maintained, correctly stored and compatible with other PPE required to be worn. Where available PPE

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will be CE marked*.

To ensure that PPE is hygienic and otherwise free of risk to health, all such equipment will only be used by the individual to whom it is issued.

13.0 CORPORATE IDENTITY

All items of clothing should be marked with a discrete logo displaying the Associations corporate identity. If items of clothing are not marked with the corporate identity this benefit will be recorded in the staff members annual P11D as taxable expense and their tax code amended accordingly

**CE marking is a declaration by the manufacturer that the product meets all the appropriate provisions of the relevant legislation implementing certain European Directives. CE marking gives companies easier access into the European market to sell their products without adaptation or rechecking. The initials "CE" do not stand for any specific words but are a declaration by the manufacturer that his product meets the requirements of the applicable European Directive(s).*

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APPENDIX 1

PERSONAL PROTECTIVE EQUIPMENT – REQUEST FORM

1) Name:

2) Job Title:

3) Equipment Required
(Description):.....

4) Order Details:

Book	
Page No.	
Size	
Colour	
Order Ref Number	
Price	
No. ordered	

5) Reason for request:
.....
.....

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.....

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6) Signatures

Staff Member: Date

.....

Departmental Head: Date

.....

7) Other comments: e.g. if costs are more than budget limit, if replacement cycle is less than that allowed.

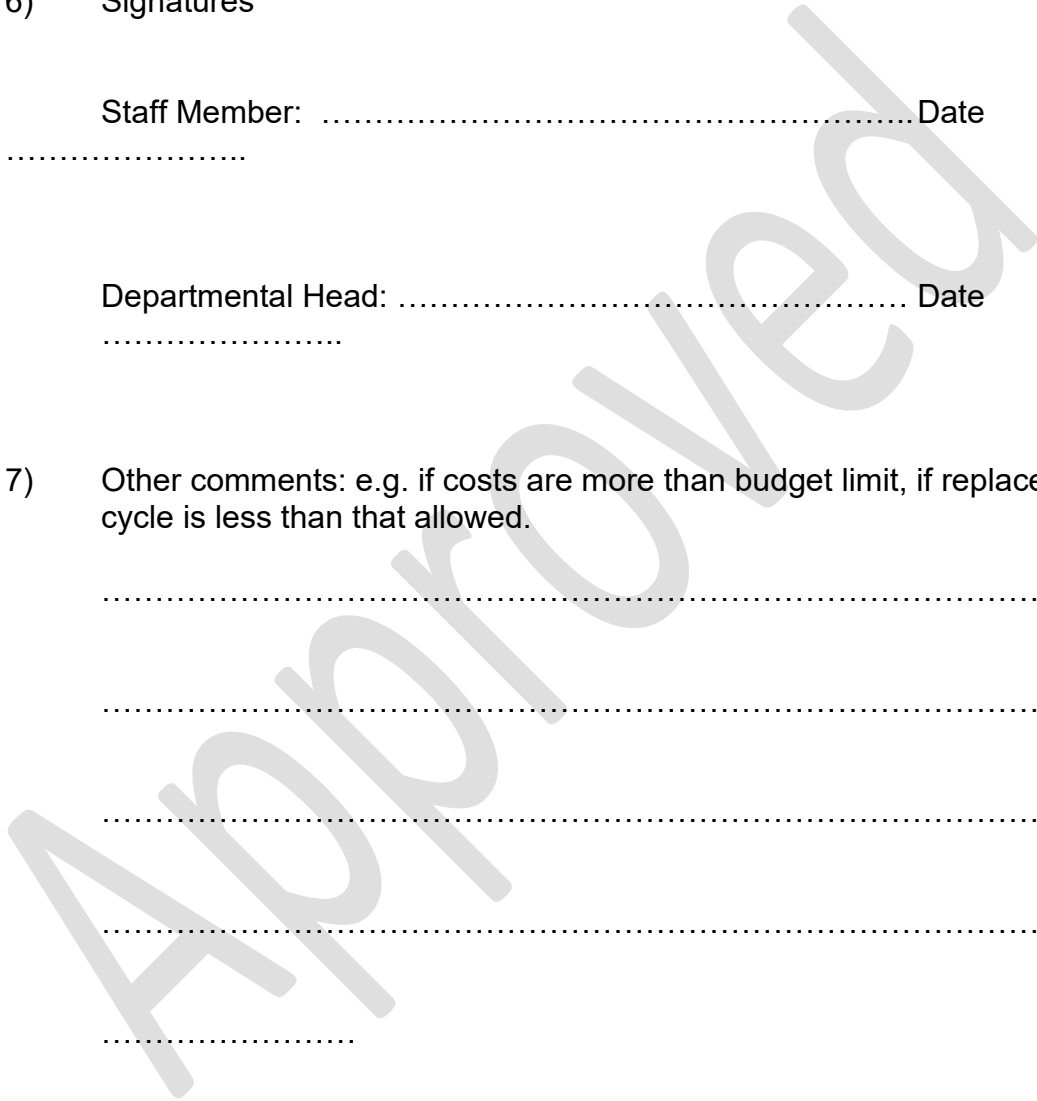
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Policy Not Applicable

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ASPECT	TOPIC SPECIFIC POLICIES – Premises Fitness and Repair						

PREMISES FITNESS & REPAIR POLICY

1. PURPOSE

- 1.1 The aim of this policy is to ensure that all properties controlled by the Association are fit for human habitation before the start of the tenancy and throughout (so far as is reasonably practicable).
- 1.2 The procedures detailed within this section have been written to ensure all reasonable steps have been taken to comply with the Housing (Scotland) Act 1987 and the Scottish Secure Tenants (Right to Repair) Regulations 2002.

2. REFERENCES

- Housing (Scotland) Act 1987
- Housing (Scotland) Act 2001
- Scottish Secure Tenants (Right to Repair) Regulations 2002

3. LANDLORD RESPONSIBILITIES

- 3.1 The Association has a duty to ensure that all properties meet the Scottish Housing Quality Standard.
- 3.2 The Association is responsible for carrying out certain repairs in properties.
- 3.3 To comply with these duties, the Association will carry out physical inspections of housing stock with a focus on the fabric of the buildings.

4. 'RIGHT TO REPAIR SCHEME'

- 4.1 Scottish secure tenants and short Scottish secure tenants have the right to have certain 'qualifying' repairs up to the cost of £350 carried out by the Association within a given timescale.
- 4.2 Tenants can arrange for another contractor provided by the Association, to carry out the repair if the usual contractor does not start the qualifying repair within the time limit set.
- 4.3 The Association will provide compensation if the repair was not carried out within the given timescale. This will be paid at the appropriate rate and in accordance with the Associations Right to Repairs Policy.

5. OTHER REPAIRS

- 5.1 The Association will categorise other repairs and will provide timescales for the commencement and completion of the work.

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Priority 1 – Emergency repairs will be actioned within 3 hours. Emergency repairs are those that pose a threat to the health/wellbeing of the occupants or will potentially cause further damage to the property if they are not attended to very quickly (e.g. gas leaks, live or bare electric wiring, failure of all communal lighting etc.).

Priority 2 – Repairs which are a hazard but are not classed as an emergency will be actioned within 24 hours (e.g. defective central heating, absence of hot water supply etc.)

Priority 3 – Repairs which pose no risk to tenants will be carried out within 5 working days (e.g. defect to internal door, defective guttering etc.).

6. UNFIT PROPERTIES

6.1 Tenants may be required to move out during major repairs. Before the commencement of work, the Association will agree in writing:

- how long the works will last;
- the tenants' right to return;
- details of any alternative accommodation

6.2 Tenants may be entitled to compensation or reduced rent if repair work is excessively disruptive.

7. COMMUNAL AREA REPAIRS

7.1 The Association is responsible for the repair and maintenance of internal and external communal areas and the external fabric of the building.

7.2 The Association will manage repairs to communal areas to the same timescale and standard as internal repairs.

7.3 Where the repair to communal installations affect the day to day usage of tenants' own homes (i.e. entry door systems, lifts etc.) the Association will aim to keep residents updated with the progress.

8. RECHARGEABLE REPAIRS

8.1 The Association will not pay for any damage caused through misuse by any tenant, their family or guests.

8.2 Other costs may be passed onto the tenant if the Association has to carry out work or meet the costs which are not the Association's responsibility.

9. CONTRACTORS

9.1 The Association will only use competent contractors to carry out repair work.

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ASPECT	TOPIC SPECIFIC POLICIES – Premises Fitness and Repair						

10. **TENANT RESPONSIBILITIES**

10.1 Tenants are responsible for:

- keeping their property in good condition;
- reporting defects;
- carrying out repairs on their own appliances.

10.2 Information packs and leaflets will be issued to tenants to inform them of the process for reporting defects and to outline the steps which should be carried out to ensure their homes are maintained in good condition.

11.0 **RELATED POLICIES**

This policy will be reviewed along with any associated policies eg Reactive Maintenance Policy, Decant Policy, Rechargeable Repairs Policy and Right to Repairs Policy.

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ASPECT	TOPIC SPECIFIC POLICIES – Re-development of Land and Buildings						

REDEVELOPMENT OF LAND & BUILDINGS

Purpose

- 1.1 The aim of this policy is to ensure that risk management issues are properly considered at the planning stages of all land and property redevelopment projects.

References

- Health & Safety at Work etc. Act 1974
- Environmental Protection Act 1990

Land Redevelopment

- 3.1 An unfortunate legacy of Britain's industrial past is the significant presence of contaminants on most brownfield sites. (Clackmannanshire and West Fife also has a particular legacy due to it being an area of former coal mining activity).

These contaminants can include chemicals, asbestos and even unexploded ordnances (UXO's).

Contaminated land risk management is a particular specialism and the Association will ensure competent external support is available at the planning stage of all proposed land redevelopment work.

This will include the undertaking of a contaminated land investigation by a competent consultancy.

- 3.2 In the proposed redevelopment of land, the Association will ensure arrangements and procedures are in place for
- safe site working practises;
 - proper authorisations and registration of land; and
 - legally accurate classification of waste materials – incorrect classification can result in hugely inflated and unnecessary waste costs.
- 3.3 For situations of asbestos contaminated land, compliance with, and understanding of, a range of Health & Safety, Asbestos, Environmental and Waste regulations, codes of practice and guidance is required as different 'levels' of asbestos within the ground are deemed acceptable under the different regulatory regimes.

Specialist advice will be taken in such circumstances.

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ASPECT	TOPIC SPECIFIC POLICIES – Re-development of Land and Buildings						

Buildings Redevelopment

4.1 The Association recognises the range of topic-specific legislation in place which may apply to redevelopment projects. Reference should be made, in particular, to the following policies:

- Asbestos in Tenancies
- Construction, Design & Management
- Contractors Selection & Control
- Premises Fitness and Repair
- Ventilation & Fresh Air

4.2 The Association will appoint external specialists to advise on Health & Safety, Environmental and design requirements where required.

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ASPECT	TOPIC SPECIFIC POLICIES – Security						

HOME SECURITY

Purpose

- 1.1 The aim of this policy is to establish the Association's responsibilities and procedures with regard to 'security' in domestic properties.
- 1.2 The procedures detailed within this section have been written to ensure all tenants can live comfortably and safely in their homes.

References

- Housing (Scotland) Act 2001
- The Building (Scotland) Regulations 2004
- The Scottish Secure Tenants (Right to Repair) Regulations 2002

Procedures

- 3.1 The Association has a general duty to ensure that tenants can live safely and free from fear and disruption in their homes. To achieve this, the Association will:
 - take all reasonable measures to ensure the safety and wellbeing of tenants;
 - respond to all security issues promptly;
 - provide adequate security measures if necessary;
 - ensure that all security systems which have been put in place by the Association are maintained and inspected frequently;
 - carry out repairs on doors, windows and fences if they have been damaged by intruders;
 - ensure that all contractors are reputable and selected through appropriate checks;
 - only issue keys/access cards to contractors when it is required to do so and ensure that keys are returned as soon as the work is complete;
 - change the locks before a new tenant moves in if necessary;
 - report and work closely with the police and Local Authorities to tackle security issues/burglaries/theft.
- 3.2 Areas which fall out with the definition of common areas, such as loft and plant areas, will be kept locked unless access is required for inspections or repairs.
- 3.4 When visiting a tenant all members of staff will wear photographic identification badges and all contractors will be required to demonstrate similar personal identification.

Tenant Responsibilities

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- 4.1 The Association will make tenants aware of their responsibilities with regard to keeping their home safe and secure and information will be provided through the Tenants Handbook, website and social media.

Information will contain details on: bogus callers, the importance of locking all external doors and windows when no one is in, the benefits of leaving lights on at night, and all other relevant security information.

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ASPECT	TOPIC SPECIFIC POLICIES – Ventilation and Fresh Air						

VENTILATION & FRESH AIR

Purpose

- 1.1 The aim of this policy is to ensure there is adequate ventilation in all premises owned by the Association either by natural means, mechanical means or through a combination of both.
- 1.2 The procedures detailed within this section have been written to ensure all reasonable steps have been taken to comply with The Building (Scotland) Regulations 2004

References

- Housing (Scotland) Act 1987
- The Building (Scotland) Regulations 2004

Definition of Ventilation

- 3.1 Ventilation is simply the removal of 'stale' indoor air from a building and its replacement with 'fresh' outside air. Ventilation is required for one or more of the following purposes:
 - provide outside air to maintain indoor air quality sufficient for human respiration;
 - remove excess water vapour from areas where it is produced in sufficient quantities in order to reduce the likelihood of creating conditions that support the germination and growth of mould, harmful bacteria, pathogens and allergies;
 - remove pollutants that are a hazard to health from areas where they are produced in significant quantities;
 - rapidly dilute pollutant odours, where necessary.

Ventilation Requirements

- 4.1 The Association will ensure that every building is designed and constructed in such a way that ventilation is provided so that the air quality inside the building is not a threat to the building or the health of the occupants. All properties will have a provision for ventilation by either:
 - natural means;
 - mechanical means;
 - a combination of natural and mechanical means (mixed-mode).

Natural Ventilation

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- 5.1 Natural ventilation will be achieved by the operation of ventilators such as trickle vents, windows or doors.
- 5.2 All external windows and doors will be fitted properly to prevent draughts.
- 5.3 Manually controlled trickle ventilators may be located in some properties, either over the window frames, in widow frames, or above the glass. Trickle ventilators will be positioned typically 1.7m above floor level to avoid discomfort due to cold draughts.

Mechanical ventilation

- 6.1 Mechanical ventilation will be installed in rooms where opening windows are not present or where most water vapour and/or pollutants are released (e.g. in bathrooms and kitchens) to minimise the spread of the pollutants to the rest of the building. The extract will be either intermittent or continuous.
- 6.2 If the mechanical ventilation system serves more than one dwelling, it will have a duplicate motor and will be separate from any other ventilation system. Where the mechanical ventilation system gathers extracts into a common duct for discharge to an outlet, no connections to the system will be made between any exhaust fan and the outlet.

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ASPECT	TOPIC SPECIFIC POLICIES – Waste Management						

WASTE MANAGEMENT

1.0 Purpose

- 1.1 The aim of this Policy is to ensure that all properties controlled by the Association have adequate storage for refuse and recycling and that all tenants are made aware of their duties regarding waste management. Furthermore, this policy will ensure that all commercial waste produced by the Association is appropriately disposed of.
- 1.2 The procedures detailed within this section have been written to ensure all reasonable steps have been taken to comply with the Environmental Protection Act 1990 and the Waste (Scotland) Regulations 2012.

References

- The Environmental Protection Act 1990
- Waste (Scotland) Regulations 2012

Tenant Waste

- 3.1 In relation to waste and recycling the Association will:
- Provide a suitable space for tenants to contain their refuse and recycling until collection day;
 - Encourage tenants to recycle waste;
 - Ensure that all tenants know when their refuse and recycling collections are;
 - Ensure that tenants know how to place refuse and recycling out for collection;
 - Ensure that tenants use the correct type of refuse and recycling containers;
 - Ensure the building is kept clean and free from graffiti;
 - Ensure that tenants use a private waste collection contractor when they exceed their waste allowance;
 - Arrange for waste which has been generated as part of building improvements, repairs or alterations to be removed;
 - Arrange for any unwanted waste left behind in a vacant property to be removed;
 - Take reasonable steps to identify tenants who do not dispose of rubbish/household items appropriately;
 - Recharge a tenant for the cost of disposing any rubbish/household items where the tenant has failed to do so correctly.
- 3.2 If there are any issues with bin collection, tenants should report the issue to their local council.

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Commercial Waste

- 4.1 Where the Association generates commercial waste as part of its normal operations, this will be properly classified and subject to a commercial waste uplift and disposal contract.
- 4.2 Waste Transfer Notes will be received and filed for all commercial waste uplifts.
- 4.3 Where construction, demolition or other industrial wastes are generated, these may be subject to formal classification under the European 'WM3 Waste Management' guidelines as well as requiring negotiations with landfill operators on the correct classification and tax rates applicable.

This is particularly important where the wastes may be classed as 'Hazardous' or 'Special' waste. In all such circumstances, specialist advice will be sought from an appropriate and competent environmental consultant.

Approved

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WATER SAFETY / LEGIONELLA POLICY

1.0 INTRODUCTION

In order to be fully compliant with the Control of Substances Hazardous to Health (COSHH) Regulations as they apply to legionella, the Association has developed both risk management and risk control measures to ensure satisfactory processes and systems are in place to minimize the risk of legionella.

This document describes the process of risk management and minimum risk control measures for each type of premises and associated water systems in accordance with the Health & Safety Executive's Approved Code of Practice (ACOP) and Guidance (Fourth Edition, Published 2013): Legionnaires Disease: The Control of Legionella Bacteria in Water Systems, commonly known and referred to as L8.

2.0 POLICY STATEMENT FOR THE CONTROL OF LEGIONELLA BACTERIA IN WATER SYSTEMS

It is the Association's written policy to do all that is reasonably practicable to protect residents, employees, visitors and neighbours from health hazards arising from the use and distribution of water in all Association owned or leased properties. This is achieved by the implementation of a risk management procedure to ensure full compliance with all statutory requirements of current relevant legislation, standards, codes of practice and published guidance.

The policy and guidance is reviewed and updated on an annual basis by the Association's nominated employee in conjunction with their appointed consultant in order to take account of any changes in legislation or advances in risk control technology and industry practice.

The Association undertakes to perform the following actions:

- ✓ Appoint responsible persons and provide adequate training for Association employees.
- ✓ Identify all water plant and systems which present a potential risk of exposure to Legionella Bacteria.
- ✓ Arrange for Legionella Risk Assessments to be conducted of all its water systems and to review these assessments at least every 2 years and when significant changes occur. (Reference will be made to HSG 274 Parts 1, 2 and 3 in connection with the pro-active monitoring and regular review of the assessment and control measures which are recommended, especially where the risk assessment is deemed no longer valid).
- ✓ Eliminate or reduce risks whenever possible by the procurement of

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plant, equipment and systems which have been designed to eliminate or control the risks of exposure to Legionella Bacteria.

- ✓ Establish and operate a written management process for controlling risks from Legionella Bacteria in all relevant property.
- ✓ Monitor compliance with the management process and review risks and the performance of the risk control measures, revising risk assessments and management processes as required.
- ✓ Maintain comprehensive records for each property.
- ✓ Employ only competent, adequately qualified and trained personnel and service providers.

The management of the Association regards the attainment of the above as a mutual objective for management and all employees of the Association.

3.0 RESPONSIBILITIES

In defining responsibilities the Association will ensure that the “Responsible Person” has the competency and authority to manage the water systems and controls. Without this they will not be able to fulfil their role.

The Chief Executive has overall responsibility for ensuring that the Association meets its legal obligations with respect to the control of legionella bacteria in building water systems.

The responsibility for the development and implementation of a risk control and management programme has been delegated to the Association’s Director of Property Services (Nominated Responsible Person).

The Association will engage the services of a water treatment specialist(s) to provide the necessary competent advice on policy and procedural matters, and to prepare legionella risk assessments, written control procedures and site documentation for legionella management and control.

As a minimum requirement, contractors are required to be a registered member of the Legionella Control Association (LCA) or the Water Management Society (WMSoc).

4.0 LEGIONELLA BACTERIA & LEGIONNAIRES DISEASE

Legionella bacteria commonly occur in both natural (rivers, ponds, lakes, soil, mud and sediment) and artificial water systems within building (cooling towers, evaporative condensers, and domestic hot and cold water systems). Under certain conditions, temperatures within the range 20⁰C to 45⁰C and nutrients contained within sludge, scale, biofilm and corrosion deposits, legionella bacteria can rapidly multiply thus increasing the potential for exposure.

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These conditions can develop in poorly maintained and operated cooling towers, evaporative condensers, showers, spray apparatus and hot and cold water systems, which are the sources of most reported cases of Legionnaires Disease. Legionella bacteria are usually associated with larger water systems, for example in factories, hospitals and hotels but the bacteria can also populate smaller water systems used in homes or residential accommodation. Further potential sources of legionella bacteria include spa and whirlpool baths, humidifiers, water features and fire suppression systems (sprinklers and hose reels).

Water systems and services which are normally considered to present a foreseeable risk of exposure to legionella bacteria (as defined with ACOP L8) are listed below in descending order of risk:

- ✓ Cooling systems with cooling towers, evaporative condensers or dry/wet cooling systems.
- ✓ Hot & cold water systems.
- ✓ Spa pools.
- ✓ Other plant and systems containing water than can create and increase the risk from legionella during operation or when being maintained.

The above list is for guidance only and should not be taken as an exhaustive listing of water systems that present a foreseeable risk of exposure to legionella bacteria.

Legionnaires Disease is a potentially fatal form of pneumonia caused by the inhalation of legionella bacteria. The bacteria are normally contained within fine water droplets (aerosol) that may be caused by operating a cooling tower, shower, spray apparatus, running a tap outlet or operating a humidifier.

Legionnaires Disease has the potential to affect anybody; however, persons more susceptible are normally in the age range of 50 and above, smokers, heavy drinkers, persons suffering from chronic respiratory or kidney disease and persons with impaired immune systems. Healthy persons are not immune from catching Legionnaires Disease. A large proportion of reported cases of Legionnaires Disease within the UK each year are those returning from foreign travel.

The identification of legionella bacteria within a water system is **NOT** an outbreak, this is **ONLY** the case when two or more persons have contracted the disease from the same source.

5.0 MINIMISING THE RISK FROM LEGIONELLA BACTERIA

It is generally accepted that levels of legionella bacteria found in typical

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mains supply waters are very low (normally below the detectable limit) and do not pose a serious risk providing they are not allowed to proliferate. The survival and growth of legionella bacteria are governed by a number of factors which include:

- ✓ Water temperature.
- ✓ Water retention period.
- ✓ Accumulation of sludge, scale, deposits and corrosion by-products.
- ✓ Use of unsuitable materials.
- ✓ Low levels of disinfectants and other biocide treatments.

Legionella bacteria start to die at a temperature above 50°C with the temperature determining the speed this process occurs. Below 20°C the legionella bacteria remains dormant.

However, within the temperature range of 20°C to 45°C legionella bacteria can proliferate rapidly giving rise to large numbers of the bacteria, and increasing the likelihood of a high risk of exposure. Numbers can double every 2 to 12 hours. Within a few days, action levels can be reached.

In closed or sealed water systems even if legionella bacteria are found to be present at very high concentrations, under normal operation the risk present is low although where legionella is present the risk remains. The Association recognises that its duty is to minimise the legionella bacteria levels.

However, during cleaning or maintenance works where aerosols may be generated these same low risk systems could present an unacceptable level of exposure to operatives performing such work. In these circumstances, job specific risk assessments and method statements must be in place to cover such maintenance and / or cleaning procedures.

Experience has shown that while it can be difficult to completely eradicate legionella bacteria from building water systems, the risks can be reduced to an acceptable and manageable level by the adoption of a suitable programme of system design and risk management and control.

6.0 LEGAL REQUIREMENTS

Legal requirements are set out in:

- British Standards 8580-1:2019 – Water Quality: risk assessments for Legionella control – Code of practice
- HSG220 (Second Edition) Health and Safety in Care Homes
- HSG274 Legionnaires Disease – Technical Guidance (in 3 Parts) (2013)

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- INDG 458 Legionnaires Disease – A brief Guide for Duty Holders (2012)
- Public Health etc. (Scotland) Act 2008
- The Building (Scotland) Regulations 2004
- The Control of Substances Hazardous to Health Regulations 2002, as amended
- The Housing (Scotland) Act 2006
- The Management of Health and Safety at Work Regulations 1999
- The Private Water Supply (Scotland) 2006
- The Water Supply (Water Fittings) (Scotland) Byelaws 2014
- The Water Supply (Water Quality) (Scotland) Regulations 2001
- L8 (fourth edition) Approved Code of Practice – The control of legionella bacteria in water systems (2013)

Legislation in the United Kingdom in relation to exposure to hazardous substances including biological agents such as legionella bacteria is contained within The Control of Substances Hazardous to Health (COSHH) regulations. Under the COSHH regulations the employer has a duty to ensure that health risks associated with hazardous substances including micro-organisms such as legionella bacteria are adequately controlled in the work-place by a process of risk assessment and management control.

Further legal requirements are described in the Health & Safety Executive's Approved Code of Practice (ACOP) and Guidance (Fourth Edition): Legionnaires Disease: The Control of Legionella Bacteria in Water Systems (L8) which came into effect on the 25th November 2013.

Although failure to comply with any provision of the Approved Code of Practice is not in itself an offence, failure may be taken by a court in criminal proceedings as proof that a person or organisation has contravened the legal requirement to which the provision relates. In such a case, however, it will be the person or organisation that has to satisfy the court that compliance with the requirements has been achieved in some other way. The ACOP sets out guidance to satisfy the relevant legislative requirements under COSHH, which include:

- ✓ Appoint a competent person for day-to-day management.
- ✓ Identification and assessment of risk.
- ✓ Preparation of a written scheme for prevention or controlling the risk.
- ✓ Management and the selection, training and competence of personnel.
- ✓ Record keeping.
- ✓ Responsibilities for designers, manufacturers, importers, suppliers and installers.

7.0 MONITORING AND TESTING

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The extent of monitoring is determined through categorisation of premises and water systems together with the risk assessment process described within this document.

Where legionella monitoring is identified as a requirement it will be agreed between the Association's Director of Property Services and their nominated water consultants.

8.0 PROPERTY CATEGORISATION

The Association has worked closely with their nominated water consultants to determine the correct policy and processes for use with the various water system types and sizes installed within its property portfolio. It is essential that the policy adopted is not a one size fits all approach as the risks associated with mains supplied water systems are negligible compared with that of large stored water systems, showers, etc. although this is dependent upon how the water system is designed, maintained and managed.

The Association has undertaken a review of the water system types contained throughout their property portfolio and have compiled a list of minimum monitoring requirements for legionella control in each of the different types of premises according to water system type. These are broadly categorised by property size and type.

As part of ongoing monitoring the Association will annually review the tenancy information as it recognises that tenants individual needs will also play a part in the assessing the risk of legionella, and potentially the monitoring requirement.

The minimum monitoring requirements for the Associations portfolio of stock are detailed in **Appendix 1**. A full property list including categorisation is included at **Appendix 2**.

The actual level of risk will be dependent on a number of factors including system design, operation, condition, maintenance and susceptibility of building occupants. It is important to establish the written control scheme and any requirements for remedial measures such as cleaning and disinfection, equipment removal or replacement.

9.0 IDENTIFICATION & ASSESSMENT OF THE RISK FROM LEGIONELLA BACTERIA

The Association will engage the services of a nominated water consultant to have responsibility for completing site surveys, risk assessments and for the preparation of site specific written control schemes, record system and programme of maintenance and monitoring for each property allocated to them by the Association.

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In carrying out the initial assessment of potential risk of exposure to legionella bacteria, it is essential to take account of the main factors affecting that said risk, as detailed below:

- ✓ The potential for legionella bacteria to colonise, survive and proliferate in the water system under normal operating conditions, for example, is the water temperature between 20⁰C and 45⁰C or is there debris in the system such as rust deposits, sludge or scale.
- ✓ The potential for water to stagnate including over-capacity and dead leg area, for example, capped pipe work or vacant areas of the property no longer used.
- ✓ Infrequently used outlets such as showers, taps, etc.
- ✓ The potential for aerosol generation during normal operation, and when maintenance work is undertaken.
- ✓ The potential for exposure of persons to aerosols containing viable legionella bacteria.

It is essential that all sites are assessed adequately to ensure that the most appropriate provisions are made to comply with current legislation. This must include the whole property, including tenanted areas that do not have separate water facilities, or supply from the local water supply company, or where the Association is responsible for building water services.

The risk assessment shall be reviewed at least every 2 years or when changes occur (as indicated in section 2.0). Where the system is unchanged, the existing documentation shall remain but the review date and signature of reviewer must be entered onto the review sheet contained within the risk assessment document. A completed copy of the risk assessment and written control scheme shall be located within the Water Management Log Book supplied by the nominated water consultants who completed the assessment.

10.0 RISK CONTROL & WRITTEN CONTROL PROCEDURES

When deciding on control measures appropriate to deal with risk allocation, the following list should be considered in the order given:

- ✓ The elimination of the hazard at source, for example, a direct mains-supplied point of use system.
- ✓ The reduction of the hazard at source, for example, large water systems, spray apparatus and dead-legs.
- ✓ The reduction of the exposure to the hazard, for example, system checks, temperature monitoring and flushing of infrequently used outlets.

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Process, control measures and policy, must be reviewed on a regular basis and revised as required. Similarly if conditions change to the extent that any risk identified is significantly affected then the risk evaluation and management process shall be reviewed.

Written control procedures must be provided for controlling the risks identified by the risk assessment taking into account the minimum monitoring requirements detailed in **Appendix 1**. The written control procedure shall clearly identify the specific actions required, their frequency and the nominated person responsible for the undertaking of such actions.

In controlling the risk of exposure to legionella bacteria within “at risk” building water systems, particular attention must be paid to the following:

- ✓ The control and reduction of aerosol emissions.
- ✓ The control of legionella bacteria proliferation by the application of a suitable water management programme including cleaning and disinfection, temperature control and if required, water treatment, plant and equipment checks, and routine maintenance to ensure compliance with recommendations given in HSG 274 Parts 1, 2 and 3.
- ✓ The monitoring of the performance of the water management programme.
- ✓ The effective communication, training and documentation for the operation and maintenance of the water system(s). Additional checks and auditing should also be undertaken to ensure the adequacy of preventative actions for controlling the associated risks.

11.0 TRAINING

The Association will engage the services of a nominated water consultant to carry out legionella risk assessments and implement written control measures. As a minimum they must be adequately trained and competent to undertake such tasks and be suitably qualified and be independent of any of the parties carrying out the controls and the testing.

The Association will ensure that any personnel/persons involved in the management and implementation of the risk control programme are trained and competent in the duties they are required to undertake. The Association and any nominated water consultants will provide specific training in Legionella Awareness and Management, together with the risk management process detailed in this document. The Association will also provide support to scheme managers and/or employees in order to ensure that they understand the risk management process and their role in its successful implementation.

Where the Association’s staff will undertake any risk assessments they must have completed training comprising of both in-house training by the Association’s nominated person, combined with external accredited

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training by a recognised professional body. Copies of training records and a copy of the company training policy for staff employed in the control of legionella bacteria shall be incorporated within the site log book at each location.

12.0 WATER MANAGEMENT PROGRAMME

The Organisation will arrange for a suitable and sufficient risk assessment programme to be carried out (and regularly reviewed) to identify and assess the risk of exposure to Legionella bacteria from all water systems across its property portfolio.

On the completion of each risk assessment a written control procedure and site record system including log book will be prepared. Any serious non-compliance identified during the survey visits will be communicated to the Director of Property Services and a suitable course of action will be agreed.

Routine system monitoring of temperature and flushing will be carried out using local resources. Where more specialised services are required, such as cleaning and disinfection, these will be procured by the Association.

Future water quality monitoring requirements will be co-ordinated by the Director of Property Services and may involve the services of a nominated water consultant.

Risk assessments will be reviewed every 2 years or more frequently if changes occur to building water services and / or occupancy in accordance with ACOP L8 guidance.

In order to benchmark and monitor the risk management process a selection of properties will be audited by a water consultant in conjunction with the Director of Property Services on an annual basis.

The Association will ensure that all water fittings comply with relevant legislation and have the CE mark, British Standard kitemark or appropriate equivalent. Specialist advice will be obtained in the selection of all water systems fixtures and fittings.

The Association will ensure that all water fittings are suitable for the purpose intended. This will include the following:

- ✓ Hot water shall be stored in tanks at a temperature of at least 60°C.
- ✓ Water pipes shall be as short and direct as possible and pipes and tanks will be effectively insulated. Tanks will be protected against contamination and materials used which do not encourage Legionella

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growth.

- ✓ Hot water shall reach taps at temperatures greater than 50°C within one minute of running.
- ✓ Cold water shall be stored at a temperature of less than 20°C. Cold water shall reach taps at temperatures less than 20°C within two minutes of running.
- ✓ All little used outlets shall be routinely flushed through.

Where water is used or stored for consumption in any devices, e.g. water coolers, tea urns, drinks machines etc., an effective system of regular cleaning and disinfecting shall be introduced, in accordance with manufacturer's instructions.

13.0 DISINFECTION

Water services will be disinfected when any of the following situations occur:

- If a routine inspection or risk assessment shows it necessary to do so;
- After any prolonged shutdown of a month or longer (a risk assessment may indicate the need for cleaning after a period of less than one month, especially in summer where temperatures have been high);
- If the system or part of it has been substantially altered or entered for maintenance purposes in a manner that may lead to contamination;
- Following an outbreak or suspected outbreak of Legionaries' disease or any other water borne infection/disease.

14.0 VOID PROPERTY ACTIONS

It is recognised that all void properties have the potential to exhibit increased risk of Legionella due to the possibility of stagnant water remaining undisturbed within pipework for prolonged periods.

To mitigate the increased potential risk associated with voids, the contractor appointed to carry out repair and re-decoration works on all standard properties will carry out and record the following:

- ✓ Thoroughly flush all taps;
- ✓ Clean and disinfect, or replace, all shower heads;
- ✓ Inspect and report on water storage tank, where present.

All Special Lets becoming void will be assessed individually and on their own merits.

15.0 DOCUMENTATION & RECORDS

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The HSE Approved Code of Practice and guidance requires that detailed records are to be kept. It is essential that records are organised in a structured format and reflect the key management processes in order to demonstrate compliance with the relevant statutory requirements and Association requirements as set out in this document.

Relevant information shall be compiled and maintained by the Director of Property Services to ensure that procedures and records reflect the water systems identified in the risk evaluation process. The Director of Property Services will assign the tasks to ensure that operatives comply with the risk management programme.

It is the duty of the Association, and its employees and agents to ensure that organisations and personnel employed are competent, suitably trained and have the necessary equipment to undertake their duties under the written control procedures, adequately and safely. These arrangements will be audited at a nominated percentage of sites on a randomly selected basis. Any non-compliance will be formally reported, and dependent on the severity, may include a written warning notification.

The level of documentation provided will be dependent on the system category determined for each location following the format of the following list:

Site Information

- ✓ Risk Management Process.
- ✓ Risk Assessment Report and Survey Forms.
- ✓ Schematic drawing(s).
- ✓ Written Control Procedure.
- ✓ Training Records.
- ✓ Chemical Safety Information (If Water Treatment Chemical Are In Use).

Diary

Diary Pages for Recording **ALL** Site Checks, Maintenance & Monitoring.

Temperature Monitoring

All categories: As required by the Risk Assessment.

Cleaning & Disinfection Certificates

Only approved Documentation to be use In Order to Ensure Consistency in Site Documentation.

Water Treatment

ALL water treatment chemicals and equipment should be used in accordance with the manufacturer's instructions. Chemicals should be dosed to achieve stated concentrations and amounts of chemical used, recorded.

ALL RECORDS WILL BE KEPT FOR A MINIMUM OF FIVE YEARS

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16.0 MAINTENANCE

The Association will regularly seek guidance from its nominated water consultants on the current best practice for regular maintenance of all of its water systems. This will include:

- ✓ cold water storage tanks;
- ✓ water heaters and/or calorifiers;
- ✓ showers;
- ✓ details of commissioning and de-commissioning procedures;
- ✓ pre-let inspections.

This list is not exhaustive and the risk assessment will identify any potential areas that require additional maintenance.

The Association currently does not undertake any monitoring or de-scaling of showers within individual rented properties. This is deemed the responsibility of the tenant who will be informed / issued with guidance on the controls they can easily take to reduce the risk. Care will be taken where the tenant may be vulnerable and / or incapable of carrying out the controls identified.

Design Philosophy for Upgrading and Provision of New Installations:
Water services that are directly fed from the incoming mains supply present reduced risk to building occupants, so when contemplating new or refurbishment projects that involve work to the water services; this shall be the preferred solution. In all other circumstances, systems shall be changed from stored, to mains-supplied, as opportunities arise for an upgrade.

When completing upgrade work, water services must comply with British Standards and Water Supply Regulations. Any changes made to site water systems must be documented within the site record system and where appropriate, the risk assessment and schematic drawings must be amended accordingly.

The key points to consider when refurbishing or installing new water systems are:

- ✓ Keep systems simple.
- ✓ Restrict microbiological growth by keeping temperatures below 20°C.
- ✓ Remove disused systems and dead legs.
- ✓ Use low capacity local area water heaters.
- ✓ Insulate pipe work.
- ✓ Run all systems from the direct mains supply.
- ✓ Where showers are required, use electric point of use units.
- ✓ Label all outlets including drinking water.
- ✓ Document all installations on a schematic drawing.

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17.0 TENANT RESPONSIBILITIES

Tenants will be provided with information on good water management and Legionella control through tenancy agreements and/or by means of information leaflets.

Tenants are advised to clean shower heads, descale and disinfect them at least every two months.

For showers that are only occasionally used, tenants are advised to flush the shower through by running the water for at least 2 minutes once a week.

Where a property is left vacant for any time (e.g. when on holiday), tenants are advised to flush both hot and cold water systems by running all outlets for at least 2 minutes.

Tenants should inform the Association immediately if there are problems, debris or discolouration in the water.

18.0 NOTIFICATION REQUIREMENTS

If it is suspected or confirmed that a tenant, employee or visitor has contracted Legionnaires' disease, the Association will report the incident to the HSE under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR).

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INFESTATIONS

1.0 Purpose

- 1.1 The aim of this policy is to ensure appropriate control measures are in place to prevent and eradicate an infestation of urban pests.
- 1.2 The procedures detailed within this section have been written to ensure the wider public health risk posed by various urban pests are correctly identified and appropriate measures are in place to prevent and control them.

2.0 Definitions

- 2.1 **Urban pest** means a destructive insect or other animal which has human health or aesthetic implications. For example bedbugs, rats, mice, cockroach, wasps, etc.
Urban pests can:
- Spread diseases
 - Damage tenants' homes and belongings
 - Sting or bite
 - Aggravate asthma, eczema and other allergies
- 2.2 **Pest control** refers to the control or management of a species defined as urban pests.
- 2.3 **Public Health** ¹is defined by World Health Organisation (WHO) as “the art and science of preventing disease, prolonging life and promoting health through the organized efforts of society.”
- 2.4 **Nuisance** generally involves some form of damage to, or intolerable interference with a person’s use or enjoyment of, property. The various matters which may constitute a statutory nuisance are set down in section 79 of the Environmental Protection Act 1990.²

3.0 References

- Prevention of Damage by Pests Act 1949
- Environmental Protection Act 1990
- Public Health etc.(Scotland) Act 2008

¹ For more information and guidance visit:
<http://www.euro.who.int/en/health-topics/Health-systems/public-health-services/public-health-services>

² <http://www.legislation.gov.uk/ukpga/1990/43/section/79>

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4.0 Procedures

4.1 The Association's duties regarding pest control are outlined below:

- The Association will ensure all properties, including gardens, are pest free before a tenant moves in;
- The Association will ensure that there are suitable and sufficient provisions in place to monitor matters that constitute 'statutory nuisance';
- Officers will carry out a visual pest control inspection when carrying out **estate** inspections to ensure all communal areas are free from pest activity and records will be kept;
- The Association will be responsible for carrying out repairs and treating the infestation (regardless of the pest) if it is apparent that an infestation is caused by disrepair or lack of action on the Association's part;
- The Association will be responsible for carrying out remediation work of neighbouring properties affected by the infestation, or commence the block treatment if the infestation spreads to another building;
- The Association will intervene on the most serious infestations promptly (i.e. rats and cockroaches) as they can spread disease and are a risk to public health. Additionally, the Association will intervene if there is an infestation of bed bugs, as if they are not treated promptly, they can spread into the fabric of the whole building and can become very difficult and expensive to eradicate;
- The Association will not be responsible for dealing with an infestation if it is caused by the tenants own negligence (i.e. if they have left food out or have not disposed of rubbish correctly);
- In certain cases where the infestation is caused by the tenants own negligence, the tenant may be held liable for the cost of treating such infestations and will be recharged the cost incurred by the Association in doing so;
- The Association will not be held responsible for any damage caused by pests to tenants' belongings;
- The Association will record all reports of urban pests and infestations so that the Association can monitor any trends or problem areas.

5.0 Tenant Responsibilities

5.1 Tenants are responsible for the treatment of minor infestations within their property.

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ASPECT	TOPIC SPECIFIC POLICIES – Infestations						

- 5.2 Tenants are responsible for informing the Association if there is an infestation within their property so that the Association can assess the cause and advise the tenant on the next course of action.
- 5.3 Tenants must notify the Association if communal areas are infested with vermin/pests.
- 5.4 The Association will make all tenants aware of their responsibilities at the start of their tenancy through the Tenancy Agreement, information packs and leaflets.

Approved

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<u>ASPECT</u>	<u>TOPIC SPECIFIC POLICIES – Private Rented Properties</u>						

Policy not applicable.

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ASPECT	TOPIC SPECIFIC POLICIES - Factoring						

PROPERTY FACTORING POLICY

1.0 PURPOSE

To ensure the Health & Safety considerations relating to the Association as a Property Factor are adequately identified and carried out.

To protect home-owners within premises/developments for which the Association is a Property Factor by ensuring the 'minimum standards for Property Factors' defined in the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors are complied with.

The Association is a Registered Property Factor within the Property Factors Scotland Act 2011 and our Registration Number is PF000367.

2.0 DEFINITIONS

The Property Factors (Scotland) Act 2011 defines a Property Factor as:

a local authority or housing association which manages the common parts of land used to any extent for residential purposes and owned

- (i) by two or more other persons, or*
- (ii) by the local authority or housing association and one or more other person and*
a local authority or housing association which manages or maintains land which is available for use by
 - 7 the owners of any two or more adjoining or neighbouring residential properties, or*
- (ii) the local authority or housing association and the owners of any one or more such properties, but only where the owners of those properties are required by the terms of the title deeds relating to the properties to pay for the cost of the management or maintenance of that land.*

3.0 REGULATORY AND LEGISLATIVE FRAMEWORK

This Policy has been developed to recognise and meet the Association's obligations with respect to:

3.1 The Property Factors (Scotland) Act 2011

In accordance with the above Act, the Association will:

- ✓ Maintain a registration as a Property Factor with the Scottish Government
- ✓ Submit Annual Returns to the Scottish Government and amend the Register of Factored properties and land in Scotland as appropriate

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- ✓ Manage properties and land in accordance with the Code of Conduct for Property Factors.

3.2 The Scottish Social Housing Charter

1: Equalities

Social landlords perform all aspects of their housing services so that: every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.

2: Communication

Social landlords manage their businesses so that: tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.

3: Participation

Social landlords manage their businesses so that: tenants and other customers find it easy to participate in and influence their landlord's decisions at a level they feel comfortable with.

6: Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes.

Social landlords, working in partnership with other agencies, help to ensure that tenants and other customers live in well-maintained neighbourhoods where they feel safe.

13: Value for money

Social landlords manage all aspects of their businesses so that: tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay.

15: Rents and service charges

Social landlords set rents and service charges in consultation with their tenants and other customers so that a balance is struck between the level of services provided the cost of the services, and how far current and prospective tenants and other customers can afford them.

3.3 Other Relevant Legislation

- ✓ The Guide to the Abolition of Feudal Tenure (Scotland) Act 2000
- ✓ The Title Conditions (Scotland) Act 2003

4.0 **OTHER GUIDING DOCUMENTS**

4.1 Relevant Corporate Objectives:

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- ✓ *To provide a comprehensive and responsive customer service to tenants, sharing and factored owners which supports sustainable tenancies and delivers customer satisfaction (**Strategic Objective 2) (Customer Service)***
- ✓ *To actively promote and support resident engagement in the management, maintenance and development of their homes (**Strategic Objective 3) Resident Participation)***

4.2 Relevant Departmental and Operational objectives

- ✓ *To provide a range of quality housing management services to tenants and other customers to assist access to services aimed at sustaining and managing their tenancy to live independently in their homes (HS1);*
- ✓ *To ensure that tenants and other customers find it easy to communicate with us and get the information they need about us including how and why we make decisions and the services we provide (CS2);*
- ✓ *To ensure that tenants and other customers feel able to influence our decisions at a level they are comfortable with (CS3).*
- ✓ *To provide value for money in our housing management services (HS4); To provide a high quality factoring service to owner occupiers in accordance with the Property Factors Act 2011 and other relevant legislation (PS3);*
- ✓ *To contribute to the creation and maintenance of well-maintained neighbourhoods where tenants and other customers feel safe (PS4);*
- ✓ *To provide value for money in our property maintenance services (PS5);*
- ✓ *To ensure compliance with Regulatory requirements (HS5 & PS6).*
- ✓ *To ensure that the Association has in place effective and robust financial and administrative systems and controls (FM1);*
- ✓ *To ensure that the Association's resources are used efficiently (FM2);*
- ✓ *To ensure adequate opportunity exists for tenant and resident participation in the Association's decision making process (GA4);*
- ✓ *To ensure that there are no breaches of H&S legislation (HSE3)*
- ✓ *To ensure that all emergency repairs are responded to within prescribed timescales (HSE7)*

4.3 The Deed of Conditions

Wherever possible, for example at the creation of a new Title Document, the Association will be appointed as Factor and the Title Document will specify:

- ✓ The owner's responsibility for the management, maintenance and repair of Block Common Parts (being those Parts that are shared within a block or blocks of properties) and Development Common Parts (being parts which are shared by the Development as a whole)
- ✓ How decisions should be made
- ✓ How costs should be apportioned between owners
- ✓ The arrangements for paying for maintenance and repair

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4.4 The Code of Conduct and the Written Statement of Service

The Model Code of Conduct is set out in Section 14 of the Property Factors (Scotland) Act 2011 and the Association complies with the Code of Conduct by providing a Written Statement of Service to all owners who receive Factoring Services and which includes information about:

- ✓ The Association and our contact details
- ✓ Our Property Factors Registration number
- ✓ A general description of our Factoring Service
- ✓ Our Authority to act as factor
- ✓ The Core Factoring Services we provide
- ✓ The additional services we can provide and the costs incurred thereby
- ✓ Arrangements for obtaining owner's consent for the instruction of work
- ✓ Financial and charging arrangements including the Factoring Deposit, the Management Fee, repairs and maintenance costs as apportioned by the Deed of Conditions
- ✓ The Renewals Fund
- ✓ Insurance arrangements including extent of cover and insured perils
- ✓ Debt Recovery arrangements
- ✓ Communication arrangements
- ✓ Dispute Resolution, including how to contact the Homeowner Housing Panel
- ✓ Any interest held by the Association in Block Common Parts or Development Common Parts
- ✓ Data Protection details
- ✓ How to end the Factoring Service
- ✓ What to do if an owner sells their home
- ✓ Related and relevant Association Policies

The Association will review and where necessary, amend the Written Statement of Service.

5.0 **SPECIFIC HEALTH & SAFETY AND ENVIRONMENTAL STATUTORY REQUIREMENTS**

All works carried out by, or arranged by, the Property Factor will incur a range of Health & Safety, and possibly Environmental, considerations. Due regard will be given to such requirements under Section 6.3 and on a case-by-case basis.

As a minimum, a RAMS (Risk Assessment and Method Statement) will be prepared and reviewed for all proposed works, ensuring that all relevant safety, environmental and waste considerations have been identified and appropriate risk control measures taken by all relevant parties.

However, it is recognised that the Association may also incur a number of statutory 'inspection', 'assessment' or 'maintenance' duties which, in law, fall

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to the Owners or 'Duty Holders' (sometimes undefined) but which have been passed on to the Factor through a Deed or other relevant document.

These will, largely, depend upon the specific wording of the documentation but particular attention will be given to whether the Association assumes any responsibility for the following activities. Where there is any doubt, professional advice will be taken on the wording of documentation and relevant legislation.

Particular attention will be given to vague or ambiguous wording such as 'all compliance issues' or 'all statutory duties' which may incur a level of liability which is unclear or unwanted.

Potential Statutory Duties:

- ✓ Asbestos Management Surveys and Re-inspections (see Asbestos Policy 2021)
- ✓ Electrical Safety Checks (Electrical Safety (LSM) 2020)
- ✓ Fire Safety Risk Assessments and Maintenance Regimes in Common Areas (see Fire Safety in Housing Stock and Common Areas (LSM) 2020)
- ✓ Gas Safety Checks / Annual Inspections (see Gas Safety Policy and Procedures 2021)
- ✓ Legionella Risk Assessments and/or Inspection/Maintenance Programmes (see Legionella Policy 2018)

In the absence of any clear duty being set out in the Section 5 source documentation in respect of the above topics, consideration will be given to the implications of including and excluding these aspects in the factoring scope of services. These areas are notoriously challenging to define in terms of liability for a Property Factor and it is recognised that some significant dialogue with both the Owners and professional advisors may be required in certain cases.

Upon agreement with the Owners on the extent of any such duties on the part of the Association as Property Factor, a written procedure will be prepared for each, clearly defining the technical and operational remit of the Property Factor.

A summary of the detail and frequency of each activity will also be clearly defined within the written Statement of Services.

6.0 THE AIMS OF OUR FACTORING SERVICE

The Association aims to:

- ✓ provide a comprehensive and responsive property management service to home owners and sharing owners.
- ✓ ensure that areas of common property are well maintained for the benefit of all owners.

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- ✓ be of good quality, efficient and effective
- ✓ fully recover the costs of provision
- ✓ Define the duties and responsibilities of Ochil View and owners receiving Factoring Services in the Written Statement of Service and the Factoring Agreement
- ✓ Provide clear information to owners about the Factoring Service
- ✓ Encourage owners to participate in the Factoring process and in decisions that affect their property
- ✓ Offer owners the opportunity to participate in major works programmes co-ordinated by Ochil View.

The Association will provide a Factoring Service where:

- ✓ We are appointed by the Title Documents as Factor
- ✓ Where a majority of owners (which may include Ochil View as an owner) vote to appoint the Association as Factor.

Provision of a Factoring Service is ancillary to our primary objective of providing homes for affordable rent. The Association will not provide a service where it has no ownership involvement and will, where it is possible to separate Development Common Parts into those in which the Association has an interest and those in which it has no interest, encourage owners to self-factor or seek an alternative Factor for those Parts in which the Association has no interest.

6.1 Factoring Service for Owners of Flatted Property

Where a service is provided to owners of flatted property, it will include the following core services:

- ✓ Arrangement and annual renewal of a block Common Policy of Buildings Insurance
- ✓ Administration of services, including arranging and managing the maintenance and repair of the Block Common Parts and Development Common Parts, convening owners meetings, invoicing the costs incurred and monitoring the quality of service provided
- ✓ Arranging repair where the need for repair arises through an Insured Peril

6.2 Service to House Owners

Where a service is provided to owners of houses it will be limited to the following:

- ✓ maintenance of Development Common Parts including shared water supply and drainage pipes that are not maintained by Scottish Water

Where a property is owned on Shared Ownership terms, we will insure shared ownership properties whether these are flats or houses and our authority to do so is set out within the Shared Ownership Minute of Agreement.

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The Association will provide additional services to houses and flats where all owners who will receive the service meet the costs of provision in full and sign a mandate agreeing to the provision of the service, and where required to do so by the Association, pay the costs in advance.

7.0 FACTOR'S RESPONSIBILITIES

The Association's Factoring Service will include:

7.1 Inspections

The Association (or consultants acting on our behalf) will undertake inspections of common property on a regular basis in order to determine the condition of property in relation to the proposed cyclical and planned maintenance programme. Reports will be made available for inspection to owners upon request. The maintenance programme may be revised following Inspection Reports.

In relation to reactive repairs to common parts, pre-inspections will be carried out as required in order to accurately determine the work that is necessary to complete a repair. Repairs will be selected for inspection in accordance with the Association's separate procedures on this point.

7.2 Monitoring Works

Arranging and overseeing the maintenance, repair, renewal and authorised improvements to development and block common parts.

7.3 Cyclical and Planned Maintenance

Undertaking a programme of cyclical and planned maintenance which will reflect and be informed by the inspection programme.

7.4 Authority to Carry Out Works in Excess of Factors Delegated Authority

Obtaining authority from owners to carry out works in excess of the Factor's delegated authority

7.5 Renewals Fund

Holding, accounting for and where necessary authorising expenditure from the Renewals Fund. The Renewals Fund is used to meet the costs of cyclical and planned renewals of Block Common Parts and Development Common Parts.

7.6 Provision of Information

- ✓ Providing owners with information about the factoring service.
- ✓ Providing comprehensive and clear financial information which provides details on repairs and associated expenditure and accounts to owners at least every 6 months.
- ✓ Convening meetings of owners as necessary or as requested by owners.
- ✓ Convening annual owners meetings in each development

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- ✓ Updating our website and Facebook page with information of interest and relevance to owners
- ✓ Issuing newsletters with relevant content to owners
- ✓ Providing more and better information to owners to allow for better understanding of future maintenance plans and increased transparency on charges.
- ✓ Providing feedback and results from Customer Satisfaction Surveys

7.8 Insurance

We will insure relevant properties for full replacement value including site clearance charges and professional fees. Cover will include fire and flood and will be provided by a major insurance company at a competitive cost for the appropriate level of cover. Insurance will cover the prescribed risks which are set out in the Tenements (Scotland) Act 2004 (Prescribed Risks) Order 2007. Where set out in the Written Statement of Service and Factoring Agreement, owners are required to participate in this insurance scheme and therefore have no need to purchase their own building insurance. The cost of this insurance is included in the Management Fee. The householders of any properties insured by the Association may receive a copy of the insurance cover on request. Owners should arrange their own Contents Insurance and the Association can provide information about suitable Policies, on request.

7.9 Administration of Insurance Claims

The Association will administer insurance claims arising from an Insured Peril. Administration includes specification of repairs, liaison with insurers and loss adjusters, procurement of a repairs contractor, monitoring of work in progress, settling the contractors account and collecting any excess due from owners.

7.10 Property Sales and changes of Ownership

Where a property that is within the Association's factoring service is sold or offered for sale the Association will:

- ✓ Provide information to prospective purchasers on the scope and costs of the Association's Factoring service
- ✓ Identify, and provide an estimate of costs for works of maintenance and repair affecting that property within the current budget period
- ✓ Identify works of maintenance and repair that the property is likely to require in the next 12 months
- ✓ Apportion costs between current and future owners, and refund any sums due to the outgoing owner when all charges and payments have been received. Payments to the Renewals Fund are non-refundable
- ✓ Require the payment of a Factoring deposit from the incoming owner at the level provided for in the Title Documents
- ✓ Provide a copy of the Factoring Agreement at the date of entry

8.0 GENERAL MANAGEMENT AND ADMINISTRATION

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8.1 To provide an effective management and administration service to owners, the Association will:

- ✓ Maintain records in respect of each block of flats and individual dwellings
- ✓ Record the cost of repairs and other charges for the common parts of the block and the development
- ✓ Apportion the charges for repairs, cyclical maintenance and other services
- ✓ Issue accounts to owners and pursue payment for sums of money due to the Association
- ✓ Deal with enquiries relating to management arrangements and accounts which are issued
- ✓ Advise and consult as appropriate with owners over major repairs, cyclical maintenance and planned maintenance

8.2 Responsibility & Coordination

The Director of Property Services Manager has the primary responsibility for the factoring service within the Association. However, in exercising this responsibility, the Director of Property Services Manager will delegate day to day responsibility to the Assistant Property Services Officer and both will liaise with the Director of Finance and Corporate Services.

9.0 FACTORING SERVICE AND STANDARDS

9.1 Contractors approved to work for the Association's will carry out repairs and maintenance.

9.2 The primary responsibility for reporting repairs lies with owners. The Association may identify repairs by inspection.

Repairs will be categorised and given the following response time:

- ✓ Emergency – 3 hours
- ✓ Urgent – 24 hours
- ✓ Routine – 5 working days

9.3 Repairs/maintenance costing less than the Factor's delegated level of financial authority per property will be instructed without reference to the owners and will be paid for by using the Factoring Deposit held by the Association that have been paid by owners. The Association will invoice the owners at the six-monthly invoicing period for an amount identical to the cost of repairs in order to maintain the level of Factoring Deposit held.

9.4 Each Development will have a level of financial authority delegated to the Factor to proceed with works of repair without the express approval of owners. This threshold will vary between developments and can only usually be

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changed with the unanimous authority of owners. The Association will operate within the various development thresholds and seek additional authority from owners where it is necessary to do so.

- 9.5 Repairs or maintenance that exceeds the development threshold will be subject to the Association obtaining three competitive quotations. The owners will then be notified in writing of the nature of the work and the total costs etc. A meeting of the Association and the owners will be held to discuss the quotations and obtain authority for the works to proceed. Each owner will be bound to pay their share of the costs of any such repairs (including the Association's administration costs) prior to such repairs being instructed. The Association may, at its discretion and if there is a good reason to do so, instruct work under certain conditions and pursue reimbursement. A good reason would be, for example, where there is a need to act to protect Health and Safety, prevent the deterioration of the property or protect the interest of the Association and tenants.
- 9.6 The Association, its authorised representatives and contractors will have right of access to the whole property including individual houses where this is required for inspection; or to effect a repair to common parts or services; or to prevent damage to the property or a neighbouring property. Except in emergencies, three days' notice will normally be given.
- 9.7 Emergencies are defined as circumstances or situations which are considered dangerous or seriously detrimental to the safety of the property or persons. Emergency repairs, which arise within office hours, should be reported immediately to the Association. Those arising out with office hours should be notified to the Associations approved out of hour's contractors, contact details being provided on the Association's office number answering machine. The Association reserves the right to instruct emergency work without recourse to the owners. However, the Association will notify the owners within seven days of the repairs being carried out and the charges will be included with their next invoice.
- 9.8 Owners may request that the Association carries out additional services, including works. The Association may agree to instruct the works and may obtain competitive quotations (unless in the case of an emergency) and submit these to the owners for approval. The consent of all owners is required before new services can be implemented.
- 9.9 Contractors shall be appointed by the Association as set out in the Association's Corporate Procurement Policy. The Association appoints contractors on the basis of their ability to provide a value for money repairs service and receives no fees or commission from contractors.
- 9.10 Owners will have the same opportunity to comment on the Association's reactive maintenance service as tenants e.g. through tenant satisfaction or

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other surveys

- 9.11 We will work with local authorities to tackle dog fouling through notices, education and signage.
- 9.12 We will publish details of our annual investment plan, and indicate investment proposals for years beyond the current financial year, including investment which owners may participate in.
- 9.13 We will ensure, through inspection, that our contractors complete landscape maintenance, and stair and window cleaning as specified and that these services continue to deliver good value for money.
- 9.14 We will publish a list of office closures in advance in our newsletters and send text messages 48 hours before each closing. Additional closing days will be added only in exceptional circumstances.
- 9.15 The Association will publish local and corporate newsletters three times a year. In addition, owners will be provided with newsletters pertaining to their development on a regular basis.

10.0 FINANCIAL ADMINISTRATION OF SERVICES AND WORKS

- 10.1 Invoices will be issued twice yearly and will comprise the following: -
- ✓ The Association's Management Fee (including Insurance premium)
 - ✓ Repairs and Maintenance costs including applicable Service Charges e.g. Lighting, Landscape Maintenance, Close Cleaning
 - ✓ Contributions to the Renewals fund
 - ✓ Sums due in respect of additional services and not paid for in advance

Where owners are invoiced for repairs and maintenance costs, we will provide a schedule and copy invoices detailing repairs carried out during the period. Where owners are invoiced for service charges, we will provide a schedule and copy invoices for costs incurred.

Repair costs will be apportioned according to the share shown in the Deed of Conditions and Statement of Service.

Accounts from contractors will be available for inspection on request following the issue of invoices. Copy Accounts will also be available on the Association's website.

10.2 Renewals Fund

The Association wishes to encourage owners to make financial provision for the future maintenance of their homes and will therefore encourage owners who receive a factoring service to accrue a fund which will be used to cover

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major repairs, improvements, planned and cyclical maintenance. The contributions requested will be set at £120 per annum and may be revised from time to time to take account of increases in works cost.

Annual statements in respect of their contributions to the fund will be provided to contributors. Money paid into the fund will be non-refundable; savings on contracts will be returned to the fund and funds, including contingency funds, will not be returned to owners following sales.

10.3 Payment of Account

Accounts will fall due for payment within 28 days of issue.

The Association will pursue all legal methods to recover sums lawfully due including:

- ✓ Referral of unpaid sums to Debt Collection service
- ✓ Notice of Potential Liability
- ✓ Decree for payment
- ✓ Inhibition on sale
- ✓ Sequestration

The Association will decide which, if any, legal approach offers the best possibility of securing a successful and efficient outcome.

10.4 Calculation of Costs

Owners may request that the Association carry out works in addition to the Core Services described in the Statement of Service and we will do so where owners agree to the additional service and agree in writing to meet the costs including:

- ✓ Any applicable fees, charges and outlays
- ✓ An allowance of 5% to cover the Association's administrative costs.
- ✓ A contingency sum of 10% of works costs

Costs must be paid in full in advance of the commencement of works. Where actual costs incurred are in excess of the amount paid, the difference shall be recovered with the next half-yearly invoice.

Where costs incurred are less than the amount paid, the amount paid in excess will be assigned to the next half-yearly account of charges and the net sum due to the Association will be invoiced.

10.5 Where it is proposed to increase charges to owners, we will consult affected owners prior to making any increase.

11.0 ALTERING AND TERMINATING THE FACTORING SERVICE

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The Association will wish to remain as Factor of property in which it has an interest in all time. If we no longer wish to be Factor of a Property, we will convene a meeting of all owners for the purpose of appointing a new Factor. At appointment of a new Factor, the Association will issue final accounts for Factoring services provided to the date of transfer within 28 days and transfer the value of any maintenance fund held to the new Factor.

12.0 DISPUTES

12.1 The Association has a Complaints Handling Procedure that Owners can use to resolve disputes with the Association about the quality of the Factoring Service. When they have exhausted the Complaints Handling Procedure, owners have the right to seek resolution for the First-tier Tribunal for Scotland Housing and Property Chamber (First-tier Tribunal) (or such agency as may supersede the First-tier Tribunal for Scotland Housing and Property Chamber (First-tier Tribunal) at the direction of the Scottish Government)

13.0 MONITORING & REVIEW

In 2019, the Association completed a survey of Owners which indicated that 50% were satisfied with the factoring service. The Association aims to increase the % of owners who are satisfied with the Factoring Services at the next Owner Satisfaction Survey.

Satisfaction levels will be ascertained during surveys and will be reported as a Corporate Performance Indicator.