

# **Repairs and maintenance policy guidance**

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# How to use the guide

## Why is there a need for policies and procedures?

If a community led housing (CLH) organisation has not agreed on policies and procedures, it means either that all decisions have to be taken at governing body meetings or individuals have to take decisions and the governing body may not be in control.

Some CLH organisations have managed well for years without many agreed policies and procedures. But then something happens – a problem arises, a member or resident complains about how things are done, several people fall out about something or a claim is made against the CLH organisation.

Without written policies and procedures, these things can be very difficult to manage. It is difficult to maintain fairness and objectivity without agreed policies and procedures. Having them means that everyone knows what to expect. Without them, those who are confident and self-assured can run things how they want, and the less confident and less articulate may find it hard to have their say.

There is a judgement call to be made about how detailed policies and procedures should be in a CLH organisation. Larger organisations have extensive policies and procedures because there is a need for clarity about what staff should do. In smaller CLH organisations, the likelihood is that some events are less likely to take place and there may not be such a need for detail.

What a CLH organisation makes policies and procedures about is about balancing practical and sensible judgement with not being overly bureaucratic. There isn't necessarily a right answer!

One size does not fit all. CLH organisations are about local people shaping housing and related services in ways that are right for them. This means that their policies and procedures can be and should be different in each CLH organisation.

## How to use this guidance

The differences in CLH organisations means this guidance is intended to be about key issues in each of the subject areas.

The policy templates in the guidance can be adapted to produce what is appropriate for local circumstances. It will require governing bodies of CLH organisations to carefully consider each issue to come up with the approach that is right for them. Some of the policies in the guidance may be fundamental to the CLH organisation – others may be less important and could be worked on later.

Each policy area includes the following:

- **policy aims** – what the policy is seeking to achieve
- **an outline of the policy** – these are the key principles about how the CLH organisation wants the subject matter to be managed. Policies should be particularly aimed at the governing body, the general membership and potentially all residents so that they know the key aspects of how the policy area will be managed. If a policy needs changing it should only be changed by the governing body and probably following consultation with the membership.
- **risks to be avoided** – setting out key things that the policy is aimed to avoid and address



- **notes relating to the procedure** – the procedure is a detailed account of how the policy principles should be implemented. They are necessarily different given local circumstances. They are aimed at people charged with implementing policies – volunteers, staff or support organisations. Procedures should be easier to change than policies.

## Terminology

Throughout the document, the following terms have been referred to:

- **CLH organisation** – is a community led housing organisation
- **governing body** – is the part of the CLH organisation that is legally responsible for decision-making. In many cases, this is the Board, committee or management committee of the CLH organisation, but in some smaller CLH organisations, it is the CLH organisation’s general membership.
- **residents** – the people who live in homes owned or managed by a CLH organisation. Some aspects of policies may only apply to tenants, leaseholders or freeholders, and where this is the case, the document identifies this. In many CLH organisations, residents will also be, or may be, members of the organisation – in some cases, its only members.

## Registered Provider status

There are regulatory requirements placed on Registered Provider organisations, particularly in relation to their tenants. Whilst it is a good idea for any CLH organisation to have a suite of policies and procedures, it is a requirement for a Registered Provider CLH organisation. A CLH organisation will not be registered as a Registered Provider without a set of key policies and procedures. This guidance is designed to assist CLH organisations who are going through the registration process to become a Registered Provider.

The same regulatory requirements will apply to Registered Providers who CLH organisations have a partnership agreement with. This means that if a Registered Provider housing association has a lease, a management agreement or some other agreement with a CLH organisation, they would pass on their regulatory compliance duties to the CLH organisation.

## Responsibility

Clearly CLH organisations who have direct responsibility for some or all of the services covered within this guidance have a responsibility to develop the policies and procedures they need in the subject areas relevant to them.

It is suggested that even where a CLH organisation enters into a long term lease agreement with a housing association, where the housing association is responsible for management of the homes, that the CLH organisation should still use this guidance to enable them to have discussions with and monitor how the housing association is providing services to the residents of the homes owned by the CLH organisation.

## Policy review

There is always a need to review, amend and update policies. Policies may need to change because legislation, regulations or best practice may change. A CLH organisation may have drafted a policy with specific aims in mind, but it subsequently turns out that the aims are not being achieved – in which case there is a need to change the aims or the ways they are being implemented. It is usually the case that



there should be a rolling programme of policy review. Such reviews should happen in conjunction with the residents of the homes – particularly in a CLH organisation where residents are likely to be very familiar with local issues, problems and difficulties.

## Feedback

Please feel free to provide feedback on this policy guidance. Has the guidance been helpful? Are there policy areas that are missing? Could the policy guidance be improved upon? Please send in any feedback to [info@cch.coop](mailto:info@cch.coop)

## Copyright and intellectual property

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# Repairs policy

## Aims of the repairs policy

The following may be aims of the repairs policy:

- a safe, secure and healthy living environment for residents
- a high quality, sensitive, responsive, efficient and cost-effective repairs service
- enough money available to pay for responsive and planned maintenance repairs
- effective monitoring and review of repairs service delivery
- meeting legal and contractual repairs obligations
- meeting health and safety requirements

## Repairs responsibilities

The CLH organisation should define the repairs it is responsible for and repairs the resident is responsible for. This definition should clearly explain what is in the tenancy agreement, lease or occupation agreement.

## Prioritising responsive repairs

Responsive repairs are isolated repairs that are carried out “on demand” in response to requests from residents. A definition is needed to identify emergency, urgent and standard repairs – which determines how quickly the repairs should be carried out. It is usually the case that the sooner a repair is required to be carried out – the more it will cost. A sample definition of priority is set out in Appendix One below.

A definition can be included regarding exceptions such as:

- carrying out an emergency repair will involve making the home safe and secure. Subsequent necessary repairs will be carried out according to the priority of works needed.
- residents should report gas leaks or smell of gas fumes directly to the relevant gas body
- standard repairs may be delayed if specialist work is required or deferred if they are intended to be part of a forthcoming major works programme
- taking into account whether a resident has any particular needs that mean that the repair should be carried out more quickly than the designated timescale and whether the time of year means that the repair should have a higher or lower priority. Particularly high priority may also be given to repairs arising from harassment, domestic violence or offensive graffiti.

## Planned and cyclical maintenance

There needs to be reference to the CLH organisation’s planned and cyclical maintenance programme. Registered Provider CLH organisation’s need to specify that they will comply with the Government’s Decent Homes Standard.

## Gas servicing

The CLH organisation will need to state that it will comply with legal obligations to carry out annual gas servicing using a suitably qualified contractor, and what the CLH organisation will do if residents do not provide access.

## Health and safety

The CLH organisation will need to consider all health and safety issues relating to their repairs services; manage its liabilities; seek appropriate advice and comply with it where appropriate.



## Service standard

The CLH organisation may wish to develop repairs “service standards” that sets out what residents should expect from the repairs service.

## Reporting repairs

The CLH organisation will need to make arrangements for residents to report repairs during working hours. The CLH organisation will also need to ensure provision of a 24 hour emergency service to deal with emergencies.

## Recharges

The CLH organisation will need to make a statement about under what circumstances residents would be recharged for repairs.

## Contractor list

The CLH organisation will need to specify that it will maintain a contractor list of qualified contractors (or make alternative arrangements, such as direct repairs staff employment, or in some cases, the use of volunteers).

## DIY repairs, improvements and alterations

The CLH organisation may wish to specify under what circumstances a resident may carry out their own repairs, when they can't, and any conditions relating to them carrying out their own repairs. The CLH organisation will also want to specify what a resident should do if they wish to make improvements or alterations to their home.

## Voluntary roles

The CLH organisation will need to identify voluntary roles in relation to repairs – to whom delegated authority is given to approve repairs.

## Monitoring the repairs service

The CLH organisation will need to make general statements about how it will monitor the repairs service – checking whether residents are happy with repairs that are carried out; checking the quality of repairs; and the governing body checking general repairs performance.

### Risks to be avoided:

- An unfair repairs service where residents do not know what to expect or can't get repairs done
- Gas servicing or other health and safety issues are not dealt with properly or in accordance with legislation or regulations
- Unqualified people carrying out repairs and creating potential liabilities for the CLH organisation
- There isn't a long term planned maintenance programme resulting in expensive response repairs costs



# Procedure

## Delivery of the repairs service

The procedure needs to detail how the repairs service will be delivered:

- how it will be managed – ie. by volunteers, by a service provider or housing association, by staff
- how it will be delivered – ie. who will do actual repairs

## Management of the repairs service

Management of the repairs service will need to include:

- receiving repairs requests from residents
- logging and prioritising repairs
- maintaining and managing a list of qualified contractors
- commissioning works to contractors
- carrying out pre and post inspections as necessary
- managing the gas servicing programme
- delivering planned and cyclical maintenance
- reporting on the repairs service to the governing body

## Delegated authority

The CLH organisation will need to specify who has authority to approve repairs works; who has authority to approve expenditure and what quotes or tendering processes are needed in relation to costs of repairs. Financial authority is likely to be set out in Financial Standing Orders, but the following may be an example of authority levels:

- value £1,000 or less - no quotations necessary
- value £1,001 to £3,000 - at least two written quotations are required and can be approved by 2 members of the governing body
- value £3,001 to 20,000 - three written quotations and will be approved at a meeting of the governing body
- value over £20,001 - formal tender arrangements will be required and works may only proceed with the approval of the governing body.

## Reporting arrangements

Reporting arrangements will need to be specified – how residents can report repairs during working hours and out of hours; how arrangements will be made with the resident to enable the contractor to gain access; what appointments can be made; and how contact can be made between the contractor and the resident.

## Contractors

The CLH organisation will need to specify who will carry out repairs – usually through an agreed contractor list that may include gas, electric, plumbing, gardening, general and other repairs contractors. Contractors should normally be required to have relevant up to date qualifications and certification for work carried out, appropriate insurance certificates, tax status, health and safety



policies, and equality and diversity policies. Where possible, CLH organisations are likely to agree hourly rates with contractors.

CLH organisations may choose to employ staff directly or to use volunteers to carry out some or all repairs, but CLH organisations are advised to have similar checks in place whatever operatives are carrying out repairs.

## Monitoring the repairs service

CLH organisations will need to consider how to monitor repairs. This should or could include:

- a means of finding out what residents think of the repairs being carried out and how they are managed
- having repairs inspected by someone who is qualified after their completion
- reporting to the governing body about performance against target timescales; explanations where targets have not been met; whether residents are happy with repairs being carried out; costs of repairs
- reporting to the governing body regarding completion of annual gas services and other health and safety considerations
- reporting to all members on at least an annual basis on performance and costs of repairs.

## Appendix 1 - Example Target Timescales

Definition	Examples	Target
<b>Emergency repairs</b>		
Repairs which put the health, safety or security of residents or others at immediate risk or which affect the structure of the building adversely.	<ul style="list-style-type: none"> <li>• electrical faults and dangerous electrical fittings</li> <li>• burst water supplies involving escaping water</li> <li>• sewage overflowing internally &amp; blocked sewerage drains</li> <li>• total loss of water supply</li> <li>• no heating in winter</li> <li>• security risks to doors/windows</li> </ul>	24 hours (or sooner in some cases)
<b>Urgent repairs</b>		
Repairs which could affect health, safety or security of residents; damage the property; or which could severely inconvenience residents if not addressed urgently.	<ul style="list-style-type: none"> <li>• leaks through roofs</li> <li>• water penetration through doors/windows</li> <li>• partial loss of electrical outlets (lights or sockets)</li> <li>• no hot water</li> <li>• partial loss of water supply</li> </ul>	7 working days
<b>Standard repairs</b>		
Repairs that can be deferred without causing serious inconvenience to the resident or someone else	<ul style="list-style-type: none"> <li>• general building repairs</li> <li>• external works (eg. fences and gates)</li> <li>• easing doors or windows</li> <li>• repairs to floors/paths that are not hazardous</li> </ul>	28 working days



# Planned maintenance programmes

## Aims of planned maintenance programmes

The following are aims of planned maintenance programmes:

- To take a planned approach to maintenance of the homes and investment needed to maintain them
- To capture and maintain high quality stock condition information to inform property investment decisions
- To ensure quality and sustainability in properties, balanced with ensuring resident satisfaction and well-being
- To understand and plan for the needs and aspirations of current and future residents
- To ensure that residents can participate in making investment decisions
- To ensure compliance with the Decent Homes Standard (for Registered Provider CLH organisations)

## Maintaining data

The CLH organisation needs to maintain a database of components in its homes, detailing dates on which they were last renewed, projected dates for renewal and anticipated costs for renewal. The database should take into account build cost inflation as a key variable.

## Updating data

The database can be informed by:

- periodic stock condition surveys
- actual experience regarding costs and needs for replacements and renewal
- the CLH organisation's local knowledge of its properties
- the needs and aspirations of residents
- resident decisions not to have works done (in which case the relevant component will remain within the programme until it is done). It would usually be expected that residents can decide not to have works done unless there are health and safety reasons why works must be done.

## Decent Homes Standard

Registered Provider CLH organisations are required to maintain their homes to the Government defined Decent Homes Standard. The Decent Homes Standard is a minimum standard and it is likely that CLH organisations will wish to maintain higher standards.

## Cyclical works

The CLH organisation needs to maintain a cyclical maintenance programme to paint and protect external surfaces and to carry out communal decoration works. The CLH organisation will need to decide how frequently cyclical works are carried out.

## Health and safety compliance

The CLH organisations needs to ensure that its planned maintenance programme enables it to comply with its health and safety legislative and other requirements. For existing CLH organisations, this may mean adjustments to the programme to enable upgrades to achieve higher or different safety standards. Following the Grenfell Tower tragedy, there is a greater emphasis on encouraging health and safety compliance through open, transparent and effective communications.



## Energy efficiency

A CLH organisation should ensure that its planned maintenance programme promotes energy efficiency through boiler replacements (where necessary), double glazed windows, loft and cavity wall insulation and potentially other features. Energy Performance Certificates should be obtained when a property becomes void and the CLH organisation may wish to set a target SAP score for all new relets (either before or shortly after occupation).

## Efficient procurement and delivery of works programmes

The CLH organisation will want to ensure the effective procurement and delivery of its major works programmes. This could involve:

- an appropriate and robust procurement process
- obtaining good quality advice and support on procuring contractors where necessary
- partnership working with contractors
- planning programmes working with residents, ideally having local residents available to consult with and to assist in making arrangements with their fellow residents, where appropriate.

## Resident improvements

Residents may make improvements to their homes in accordance with the CLH organisation's Improvements Policy. Where improvements have been made, this will need to be factored into the planned maintenance programme.

## Resident involvement

Planning and delivering the planned maintenance programme will become a major expenditure item for a CLH organisation and getting best value for money is essential. The CLH organisation may wish to make a statement about how the involvement of its residents in planning and delivering its planned maintenance programme will ensure value for money.

### Risks to be avoided:

- A CLH organisation does not have an effective planned maintenance programme and does not plan its ongoing investment into its homes
- A CLH organisation does not effectively use its residents to help shape and deliver its planned maintenance programme
- A CLH organisation does not get appropriate advice and support in relation to stock condition surveys or programme delivery when it needs to do so
- A Registered Provider CLH organisation is not able to demonstrate its compliance with the Decent Homes Standard

## Procedure

### Identifying who does what

The CLH organisation will need to identify who does what in relation to the planned maintenance programme:

- developing the planned maintenance programme



- managing the programme and updating it
- managing the delivery of the programme
- delivering the programme.

The programme's development (and its subsequent management and updating) could be done by members of the CLH organisation or by people paid to do it, but the programme's development is likely to also involve periodic (possibly annual) agreement of it by the governing body, the CLH organisation's membership, or by residents.

Management of the delivery of the programme could also be done by members of the CLH organisation or by people paid to do it (or a combination of both), but it is likely to be beneficial to have residents actively involved in delivery of programmes relating to their homes.

Actual delivery of the programme is likely to be done by contractors or staff – managed by the CLH organisation or by people paid by the CLH organisation to do it.

## Developing the planned maintenance programme

The replacement of some or all of the components of the CLH organisation's homes over a long term period is a major part of the organisation's long term finance plan because it needs to know that it has the money it needs to carry out major works in the future. This may be particularly important in that some big cost items, such as roofs, rewiring and driveway replacement may occur some 30 to 60 years after the homes are developed.

Having a long term planned programme also means that the CLH organisation is able to tell its residents when it is intended that works will be carried out. Key parts of developing a long term plan includes:

- **deciding what components of the homes need to be included within the plan** - if a component is not included in the plan, it means that if it needs replacing, it will be paid for out of the response repairs budget. It would normally be the case that the components of the home that would be included in a planned maintenance programme would be the items that cost a lot of money.
- **deciding how often the CLH organisation wishes to replace the items** - there are industry standards for how often some components need to be replaced, but, in some cases, CLH organisations may have specific reasons to extend or shorten lifetimes.
- **deciding how much it will cost to replace the components included in the plan** - this can be based on advice about how much components will cost to replace, or – over time, on the CLH organisation's existing knowledge of how much it costs to replace items. Housing industry surveyors usually include costs used by larger housing organisations. This may be more or less expensive than the costs a CLH organisation uses and might result in long term planned maintenance costs being set that are more or less than what is actually needed.
- **deciding what level of increase needs to be added each year to allow for inflation** – costs go up each year and a planned maintenance programme needs to allow for this. Usually costs for repairs and replacement of components goes up more than general inflation, and so a planned maintenance programme needs to include a specific *build cost inflation* figure.
- **deciding how much is needed to cover professional and project management fees for managing programme delivery** – the CLH organisation needs to factor in costs of delivering the planned maintenance programme (perhaps 5% of the planned maintenance programme costs).



With these decisions, it is possible to produce a planned maintenance programme (although it is important that the CLH organisation reviews the figures that go into the programme periodically in order to update them). For example, the CLH organisation may install particular components because they will last longer, or the CLH organisation may choose to replace kitchens more or less frequently dependent on member aspirations.

## Stock Condition Survey

What a CLH organisation includes in its planned maintenance programme can be informed by having a qualified surveyor carry out a stock condition survey. Depending on what the surveyor is asked to do, a survey could include:

- a report on works that need doing at the time the survey is carried out
- the production of a long term planned maintenance programme

A housing industry surveyor would usually survey *archetypes* of properties – ie. samples of particular types of property – and then they will *clone* costs across all the properties of the same type.

## Managing the planned maintenance programme

The planned maintenance programme is intended as an indicator that works need doing at a particular time and to ensure that the money is available if they need doing then. Each year, or more frequently, if the CLH organisation considers it necessary, the programme should show works that have been identified as potentially needing to be done. The CLH organisation needs to decide if the works actually need to be done or whether they can be pushed back in the programme. In some housing organisations, components of homes may be replaced that do not need to be replaced. There is no reason for this to happen in CLH organisations where there is good local knowledge.

## Delivery of programmes

The CLH organisation will need to plan major works programmes it has identified as necessary. This could involve:

- ensuring that there is available cashflow to cover the costs of works. Smaller contractors who may provide better value for money for a CLH organisation may require immediate payment
- whole house approaches (or at least grouping together any works that require scaffolding), both to reduce resident disruption and ensure investment brings value for money
- carrying out works when properties are void, although this may result in properties being void for longer
- ensuring that all affected residents are consulted with and consideration given to any issues they raise
- procurement of contractors and developing a relationship between contractors and affected residents
- appropriate systems to monitor and sign off works



# Adaptations policy

## Aims of the adaptations policy

The following may be aims of the adaptations policy:

- To set out approaches to the provision of adaptations
- To support the wellbeing and independence of residents, either in continued occupancy of their own home or in another property that is suitably adapted or that can be adapted to meet their needs
- To ensure consistency, clarity and fairness in approaches when dealing with requests for adaptations

## Adaptations

Adaptations are alterations or additions to any aspect of a dwelling to make it easier or safer for use by a person with a disability. Dependent on the nature of the CLH organisation, it may not receive many requests for adaptations. In such circumstances it may choose for the governing body to consider requests for adaptations on a case by case basis.

## Occupational Therapist

Unless the requested adaptation is minor and of low cost, it would usually be expected that the CLH organisation would seek the advice of an Occupational Therapist (OT), or similar health professional and would act on their recommendations. The CLH organisation should also consider tenant preferences regarding an adaptation.

## Remit

It is a regulatory requirement that a Registered Provider CLH organisation considers requests for adaptations to its tenants (those who are named on a tenancy agreement or those living in the property on a permanent basis), even if they are not registered as disabled. A CLH organisation will need to decide what adaptations it might provide in non-tenanted properties, or where the CLH organisation is not a Registered Provider.

The CLH organisation is likely to want to consider applications for adaptations on their merit and may wish to consider providing housing options advice where an adaptation is not practical or viable, or where alternative accommodation represents a practical solution to the tenant's needs.

Upon receipt of the Occupational Therapy assessment, the CLH organisation will want to evaluate the practicality, viability and cost of the recommended adaptations and consider the recommendations, the tenant's circumstances and whether the adaptations are viable in the property.

## Funding for adaptations

The CLH organisation will primarily want to seek funding from the Local Authorities' Disabled Facilities Grant (DFG). Circumstances in which the CLH organisation may want to fund the adaptation itself might include:

- the expected cost of the adaptation is not considerable
- DFG is not likely to be cost effective
- DFG funding is likely to cause an unacceptable delay



- DFG funding would remove the ability of the CLH organisation to control and oversee the adaptation

## Rejecting a request for an adaptation

A CLH organisation may want to reject a request for an adaptation if it is likely that the tenancy will be ended in the near future. It is not considered appropriate that a request would be rejected due to rent arrears or breaches of tenancy unless such issues are considered likely to result in the CLH organisation seeking possession of the property. The CLH organisation would need to provide a means of appeal against a rejected request for an adaptation.

## Allocating homes

Dependent on the nature and size of the CLH organisation, it may wish to reject an application for housing where the property is unsuitable for the applicant's needs or if it cannot be adapted reasonably and practically to meet the needs of the proposed new tenant. The CLH organisation may wish to set a ceiling cost for works to adapt a property for a new tenant. Where a property has had adaptations installed, the CLH organisation should endeavour to allocate the home to another tenant who needs the adaptations. If this is not possible, the CLH organisation may consider how adaptations could be recycled to another property (either owned by the CLH organisation or by another organisation).

## Maintenance of adaptations

The CLH organisation will be responsible for maintenance (and safety checks if applicable) of any adaptations it has installed.

## Mobility scooters

The CLH organisation may wish to consider adopting a policy relating to mobility scooters (ie. their storage and charging in particular).

## Risks to be avoided:

- A tenant does not get an adaptation that they need in order for them to remain in their home and which the CLH organisation could reasonably provide
- The CLH organisation may set inappropriate precedents for adaptations that it has agreed
- The CLH organisation may not get the independent professional advice it needs in relation to adaptations
- The CLH organisation does not ensure it seeks funding from other sources or does not get value for money in relation to adaptations.

## Procedure

### Receiving and considering requests for adaptations

The CLH organisation will need to identify methods for receiving requests for adaptations and for determining responses. The CLH organisation may wish to delegate decision-making on requests for adaptations to an officer if the cost of the adaptation is expected to fall below a specified amount.

### Relationship with the local authority

The CLH organisation will need to ensure that it maintains a positive relationship with the local authority's Occupational Therapy Team or specialist services. Referrals may also be accepted from



Occupational Therapists working in Paediatric Services, Learning Disability Teams and Rehabilitation Services.

## **Considering requests**

The CLH organisation will need to carefully consider value for money issues in relation to adaptations, and whether requests require planning permission and comply with building regulations.

## **Legislation**

The CLH organisation will need to ensure that it is aware of any legislative or regulatory changes in relation to providing adaptations.



# Improvements and alterations policy

## Aims of the improvements and alterations policy

The following may be aims of the improvements and alterations policy:

- To ensure that residents know what they need to do if they wish to make improvements and alterations to their home
- To set out what the CLH organisation will do if a resident carried out an improvement or alteration without permission to do so

## Improvements and alterations

Improvements and alterations are where residents wish to make changes to their home at their own cost. The CLH organisation will need to ensure that residents are aware that they need to ask permission to carry out improvements and alterations to their homes. An alteration is where a resident alters, removes or replaces the fabric of the building or a fixture or fitting. An improvement is where the resident replaces a fixture or fitting with one of their own or installs an item where there is none at present.

## Applying for and granting permission

Residents would usually be expected to apply in writing to carry out an alteration or improvement. Where possible, the CLH organisation is likely to want to approve such applications, but they should be subject to the following conditions:

- where either planning permission and/or any other statutory approvals are required, the resident will be responsible for obtaining them and for providing the CLH organisation with the original copies before any work is carried out
- the resident will be responsible for demonstrating compliance with any statutory requirements on completion of the works
- where work on gas and/or electricity supplies is involved, the originals of the safety inspection certificates issued on completion of the work should be provided
- the work will be carried out in compliance with all current statutory regulations and codes of practice etc, together with any other standards and specific conditions set by the CLH organisation
- any damage caused to other parts of the property during or as a result of the work will be made good at the resident's expense
- the CLH organisation should reserve the right to require the resident to reinstate the property to its original condition at any time, if the terms and conditions of the permission are not being complied with
- the CLH should be able to require the resident to reinstate the property to its original condition if they move out, unless it is agreed that the alteration or improvement should remain.

Ongoing maintenance of the improvement will become the responsibility of the CLH organisation following any warranty period and so the CLH organisation will need to ensure that this does not result in unreasonable additional maintenance expenditure.

## Refusing permission

The CLH organisation should refuse permission for an alteration or improvement where:



- the proposed works are considered to be detrimental to the structure and/or its long-term maintenance
- the proposal will breach planning and/or building regulations and/or the likely environmental impact of the proposal will be detrimental to the surrounding area.

## Residents who fail to comply or to meet standards

It would usually be the case that a resident who does not apply for permission before carrying out an alteration or improvement would have to do so retrospectively. Residents may be required to either reinstate the property to its former condition using appropriately qualified contractors within a specified timescale or meet the costs of reinstating the property. A resident who has been given permission but whose work does not meet standards or conditions can be required to carry out further work within a specified timescale to meet the necessary standards. Failure to do so can result in the CLH organisation arranging for any work required to be carried out, with the resident being liable for all costs incurred.

## Serious cases

In serious cases where the safety and integrity of the structure and/or the health and safety of the resident, any household members, visitors or other members of the public are at risk, the CLH organisation should arrange as a matter of urgency for appropriate contractors to carry out any work required. The resident will be liable for all costs.

## Risks to be avoided:

- A resident carries out a dangerous or sub-standard alteration or improvement
- The CLH organisation becomes liable for substantial ongoing maintenance costs for an improvement
- The CLH organisation is liable for additional health and safety issues and costs



# Compensation policy

## Aims of the compensation policy

The following may be aims of the compensation policy:

- To compensate residents where repairs or other services have failed
- To have clarity about what compensation is available
- To ensure that the CLH organisation complies with legal compensation requirements such as Right to Repair

## Liability for compensation

A CLH organisation's liabilities to residents will relate to the type of occupancy agreement the resident has. Most compensation liabilities are likely to relate solely to tenants of rented properties. Freehold homeowners are expected to insure their properties and their belongings within the property. Insurance arrangements for leasehold properties will be set out in leases.

There are two types of compensation a CLH may make - payments that the CLH organisation is obliged to make, usually due to legal requirements, and discretionary compensation, payments the CLH organisation chooses to make.

## Compensation required by law

Registered Provider CLH organisations have to provide compensation relating to:

- **home loss and disturbance** (relating to when people have to move out of their home permanently or temporarily)
- **improvements** – where a resident completed agreed improvements to their home
- **Right to Repair** – specified “qualifying repairs” are required to be carried out within a set time limit. If this does not happen, the resident may be entitled to compensation.

## Payments for damage to residents' property/belongings

Generally CLH organisations owning rental homes are expected to insure their buildings and their residents are expected to insure the contents of their home. On occasion it may be appropriate for insurance claims to be made to the CLH organisation's insurance policy in relation to resident belongings.

## Discretionary compensation

The CLH organisation may wish to offer discretionary compensation in relation to:

- damage to property where the damage is as a result of the CLH organisation's actions such as accidental damage during a repair
- poor service provision considerably below the standard that could be reasonably expected. This compensation is likely to be at the CLH organisation's discretion and potentially only if the resident has been substantially inconvenienced or has incurred financial loss.

Compensation of this nature may be considered as a result of a complaints process. If compensation is considered the following factors might be taken into account:



- a) exceptional worry, distress or inconvenience
- b) specific financial losses that have been incurred
- c) a resident having to live in poor conditions for longer than is reasonable due to the CLH organisation failing to deal satisfactorily with a repair that is its responsibility.

The CLH organisation should usually consider compensation claims on their merit.

## Exclusions to the policy

A CLH organisation may want to specify that the policy does not include failures which are:

- As a result of resident negligence
- Payments relating to items that are claimed to have been damaged that have not been kept to enable the CLH organisation to inspect them
- The fault of a third party such as a utility company – electricity, water, gas
- Beyond the CLH organisation’s control - e.g. severe weather or where residents have been advised in advance that a service will not be available
- Insurance claims relating to financial loss, damage to third party property or personal injury which will be dealt with in accordance with the insurance procedures
- Subject to tribunal or legal proceedings.

## Offset

If the resident concerned is in debt to the CLH organisation, such as through rent arrears, the CLH organisation may wish to specify that they will pay the compensation by reducing the debt.

## Timing of compensation claim

The CLH organisation may wish to specify that it will only receive compensation claims within six months of the relevant incident occurring.

## Appeal

The CLH organisation may wish to specify how and when a resident may appeal against its decisions regarding compensation claims.

## Housing Ombudsman

Registered Provider CLH organisations are required to comply with Housing Ombudsman judgements in relation to upheld complaints from residents, which may include compensation awards.

## Risks to be avoided:

- Considering that because it’s a CLH organisation, individual residents are not entitled to make compensation claims
- Non-compliance with legal compensation obligations
- Operating unfair or discriminatory discretionary compensation practices
- Setting precedents that the CLH organisation may not wish to replicate in the future in relation to discretionary compensation



# Procedure

## Receipt of compensation claims

The CLH organisation will need to specify how it will receive compensation claims – ie. who or where they need to go to – and whether in writing or email.

## Managing compensation claims

The CLH organisation will need to specify how compensation claims will be managed:

- who has delegated authority to manage them
- delegated authority levels – ie. how much compensation can be agreed – beyond which a decision would need to be taken at a governing body meeting
- the timescale within which decisions about compensation should normally be made.

## Guidance notes on statutory obligations

Statutory obligations apply to Registered Provider CLH organisations and this section applies in full only to tenants in rented properties. It only applies to residents in other tenures (eg. shared ownership or other leasehold) insofar as the qualifying repair is one for which the CLH organisation has responsibility under the lease.

## Right to Repair

The CLH organisation needs to comply with the Right to Repair provisions contained within section 121 of the Leasehold Reform, Housing and Urban Development Act 1993. Residents of rented properties have a Right to Repair. This is a right to have certain qualifying repairs carried out by the CLH organisation and to be compensated by a fixed amount if these are not done within the stated timescale. To qualify for compensation under the Right to Repair the resident must have properly reported the repair in the normal way and have advised the CLH organisation that the repair was not completed by the due date. The CLH organisation can then issue a further order for the work, but if it is still not completed by the second due date, compensation is payable.

Residents may choose to claim compensation on the discretionary grounds of a failure to deliver the repairs service rather than under the Right to Repair.

## Compensation for planned or necessary disturbance

The CLH organisation is required to compensate where residents have to be moved for major planned works or in an emergency. This includes disturbance payments for Home Loss. Further details are available in the Decanting Residents Policy.

## Right to Payment for Improvements

A CLH organisation is required to have procedures where residents can claim a payment for certain specified improvements which they have carried out during their tenancy. The resident must have written permission for the improvement from the CLH organisation otherwise the payment will not be payable. Further details are available in the Improvements Policy.



# Decanting policy

## Aims of the decanting policy

The following may be aims of the decanting policy:

- To ensure that residents are appropriately supported if there is a need for the CLH organisation to temporarily or permanently relocate individual or groups of residents
- To ensure that the CLH organisation complies with its statutory responsibilities when decanting takes place

On occasions, there may be a need for the CLH organisation to either temporarily or permanently relocate individual or groups of residents. There are statutory and regulatory requirements regarding the tenants of Registered Provider CLH organisations. These requirements do not apply to non-Registered Provider CLH organisations but they may wish to consider how much of this policy they wish to or are able to apply.

Decants may be:

- **an emergency decant** – caused by an unexpected event which has made a property uninhabitable. The CLH organisation is likely to ensure that temporary accommodation is arranged with the resident with the intention of them returning once the property is inhabitable.
- **a planned temporary decant** – needed when major repairs or improvements mean that the resident cannot remain in the property during the works. The CLH organisation is likely to ensure that temporary accommodation is arranged with the resident with the intention of them returning to the property once work is completed.
- **a permanent decant** – very rare occasions when properties are to be demolished or remodelled. Tenants of Registered Provider CLH organisations would need to be offered alternative permanent accommodation and provided with a statutory Home Loss payment.

The CLH organisation should provide appropriate support and advice. Tenants of Registered Provider CLH organisations need to be provided with a disturbance allowance to compensate them financially for actual expenses associated with planned temporary or permanent decants. The CLH organisation is likely to want to adopt a flexible approach to considering tenant requests.

A CLH organisation may deduct any rent arrears or other debts owing from Home Loss or disturbance allowances.

It is good practice that the CLH organisation would appoint an officer to liaise with the resident to coordinate advice, support and any payments, including support with any temporary or permanent move and housing options and applications. Consultation regarding temporary decants should usually start at least 6 weeks prior to the decant taking place. Consultation regarding permanent decants should start a year in advance of the decant. With the exception of emergency decants, support measures should be agreed with the resident prior to implementation. It is good practice to tailor support to each individual resident and their families/carers where appropriate.

The CLH organisation is likely to want to work with residents to establish temporary or permanent re-housing options:

- discussions with the resident whether they wish to stay with friends or relatives



- consideration to using an alternative property where possible for longer temporary decants
- where the above options are not possible, the Local Authority may have a duty to rehouse any person who is homeless because their property is uninhabitable
- if the above options are not available, consideration may be given to temporary accommodation in a B&B or hotel.
- where a permanent decant is necessary, the CLH organisation may be able to use its best efforts to rehouse the resident in an alternative property it owns or manages or to facilitate a move to another landlord.

Where a resident refuses reasonable offers of accommodation, all reasonable steps should be taken to avoid legal action, but the CLH organisation needs to reserve the right to take legal action to remove a resident where it has to do so.

## Potential risks to be avoided

- Residents may not be properly supported at a time when they are feeling particularly vulnerable as a result of a temporary or permanent loss of their home.
- The CLH organisation may not properly comply with its statutory and moral responsibilities in relation to home loss and disturbance.

## Procedure

### Delegated authority

The CLH organisation will need to specify who would have delegated authority to manage decanting procedures.

### Emergency decants

The CLH organisation will need to give consideration to an emergency plan for when an unexpected event occurs, such as fire or flood, which results in a property being uninhabitable.

### Planned temporary decants

The CLH organisation should do its best to plan major works in such a way that decanting is not needed. Where it is needed consultation with residents affected should start at least six weeks prior to the decant taking place. Individual communication should be had with residents affected to outline the decant procedure and what support the CLH organisation will offer.

The CLH organisation may need to consider whether a resident's furniture/belongings need to be moved or whether they can remain in the property whilst works are done.

In the case of both emergency and planned temporary decants, the CLH organisation:

- may wish to consider the most cost effective approaches to providing alternative accommodation where it has a duty to rehouse the resident
- may wish to consider a range of provisions to support residents, such as providing a daily subsistence allowance where a resident is unable to prepare food as a result of them being rehoused on a temporary basis; issues relating to children being able to attend the same school; transportation to jobs; and various other criteria
- will need to satisfy themselves regarding the status of the resident's tenancy of the property decanted from and their occupation agreement in any property decanted to.



## Permanent decants

In the unlikely event of a permanent decant, the CLH organisation will need to develop a full permanent decanting procedure which will include consulting with affected residents over a period of at least six months.

## Compensation

Tenants of Registered Provider CLH organisations being permanently decanted because of demolition or remodelling are entitled to compensation consisting of both:

- **Home loss payment:** this is a statutory fixed sum paid in recognition of the personal upset and distress caused by displacement. It needs only to be paid to tenants for permanent moves, where the tenant must have occupied the property as their sole or main residence for a period of one year prior to the date of displacement.

Qualifying tenants will be entitled to a lump sum of £5,300 per household. If any leaseholders are permanently displaced due to demolition/remodelling, home loss payment calculation differs (it is a proportion of market value and ranges from £5,300 to a maximum of £53,000). Figures set out here are subject to future Government revisions.

- **Disturbance allowance:** this is intended to compensate residents, under the Land Compensation Act 1973, for their actual expenses associated with moving, up to a maximum payment of £2,000.

Tenants of Registered Provider CLH organisations being decanted temporarily because of planned works are entitled to compensation by way of a Disturbance Allowance only.

The CLH organisation may wish to set out what a disturbance Allowance may pay for, what evidence of payment is required and how it will be paid.

If no claim is received within 6 years of the displacement, the tenant's right to compensation ceases.

## Decanting leaseholders, non-residents and other residents

A CLH organisation has no automatic right or responsibility to decant leaseholders and any decanting and compensation paid to a leaseholder may be through negotiation.

If a CLH organisation's ability to discharge its repair and maintenance responsibilities (including major works to the structure of the building) were hindered by a leaseholder, they may need to take legal advice on how to resolve the matter.

Non-authorized occupants, including sub-tenants, lodgers and licensees have no right to re-housing.



# Contractor management policy

## Aims of the contractor management policy

The following may be aims of the contractor management policy:

- To ensure an effective and comprehensive contractor list
- To ensure that contractors perform effectively and with value for money
- To ensure that residents get the best possible service from contractors

## Maintaining a contractor list

The CLH organisation will need to consider what contractors it needs to include on a contractor list that will enable it:

- To provide a comprehensive and 24 hour response repairs service, estate service, cyclical and planned maintenance
- To ensure that there are sufficient contractors available to ensure competitive and value for money quotes are obtained for services where there is a requirement to seek quotes or to procure through tendering.

## Documentation

The CLH organisation will need to ensure that contractors provide up to date documentation (that is updated as documentation expires) in relation to:

- their insurance policies
- their certification in relation to the skills needed and certification relating to particular employees
- their taxation status
- their health and safety policies
- their data protection policies and compliance with General Data Protection Regulations
- their codes of conduct for their employees
- their equal opportunities policies

## Partnership

Dependent on the nature of the CLH organisation, it is likely that the CLH organisation should endeavour to build a partnership approach with its key contractors. Smaller CLH organisations may draw particular benefit from working with smaller contractors who may have fewer staff but better and more customer friendly services. On bigger contracts, smaller contractors may need paying earlier than accepted business practices due to cashflow problems.

## Code of conduct for contractors

The CLH organisation may wish to produce a code of conduct for its contractors that could covers areas such as:

- Service standards and achieving excellence
- Requirements to provide up to date certification and other documentation as noted above
- Criminal records bureau checks
- Equality and diversity
- Sustainability
- How job instructions will be received
- Completion of job instructions



- Customer focus and approach to residents
- Behaviour on site and use of gas/electricity
- Resident complaints
- Materials and workmanship
- Health, safety and welfare
- Managing defects
- Probity
- Data protection and confidentiality
- Invoicing
- Monitoring performance

## Monitoring performance

The CLH organisation will want to develop methods to periodically check on contractor performance, analysing achievement of target times, keeping appointments, costs, issues raised by residents and other factors as appropriate.

## Inspecting works

The CLH organisation may wish to ensure that a proportion of all works, particularly large pieces of work, are inspected by someone qualified to assess quality.

## Feedback from residents

The CLH organisation needs to ensure that there are means of understanding residents' views about the performance of contractors, through feedback forms, through enabling and responding to complaints and through dialogue with them.

## Periodic engagement with key contractors

The CLH organisation may wish to meet with its key contractors on a periodic basis to review performance, issues raised from inspections or by residents and issues that the contractor wishes to raise with the CLH organisation.

### Risks to be avoided:

- The CLH organisation does not have sufficiently skilled or sufficient numbers of contractors to implement its repairs and maintenance policies
- The CLH organisation does not collect and file documentation it needs to fulfil its legal obligations
- Contractor performance is not monitored and residents do not get good levels of performance
- Repairs and maintenance costs spiral



# Estate services policy

## Aims of the estate services policy

The following may be aims of the estate services policy:

- To ensure clean, safe and well maintained external and internal communal areas
- To ensure that residents can shape and, in some cases, deliver the services they receive
- To ensure that residents get good value for money for the services they pay for
- To comply with the Neighbourhood and Community Standard (for Registered Provider CLH organisations)

## Identifying communal areas and estate services

A CLH organisation will need to identify its communal areas and what “estate based” services need to be carried out in areas such as gardening, cleaning, window-cleaning, provision of communal electricity and how these services will be provided. Some or all services could be voluntarily provided by the residents or the CLH organisation may use contractors to provide them and then charge for those services.

## Service charges

A CLH organisation should normally charge its residents a service charge that is equivalent to what it spends on providing services. A charge for management of services can also be included. This can apply to tenants and to leaseholders, but there are legal procedures that need to be followed in relation to leaseholder service charges. Leaseholders can be charged for any communal activity that they benefit from, including such activities as managing neighbour nuisance, but there needs to be clear documentary evidence relating to any such charges.

## Involving residents

In smaller CLH organisations it is quite possible that residents would be involved in providing the services themselves, but at the very least it would be expected that residents should be able to influence what services they want and how they are delivered.

## Inspecting communal areas

Communal areas owned or managed by the CLH organisation should be periodically inspected – either by volunteers or by someone paid to carry out inspections (or both - separately or working together). There are increasing health and safety requirements in relation to internal communal areas, and – particularly in relation to fire safety – there is a need for internal communal areas to be regularly inspected by a Fire Safety Officer with sufficient skills.

## Gardening

The CLH organisation will either need to ensure that residents maintain communal gardens to a sufficient standard or employ a contractor to maintain gardens. The CLH organisation may wish to define gardening standards and if standards are not achieved by residents, to then appoint a contractor. The CLH organisation needs to be aware of any potential liabilities with regards residents maintaining communal gardens. The CLH organisation may also need to maintain trees probably through an appropriate qualified tree surgeon.

## Graffiti



The CLH organisation should adopt a policy regarding removal of graffiti, particularly offensive graffiti.

## Private gardens

Residents are likely to be responsible for maintenance of private gardens in their occupancy agreements. The CLH organisation may wish to consider appropriate action, which may include providing support where a resident is physically not capable of maintaining a garden, if a resident does not maintain a private garden to a sufficient standard.

## Cleaning

The CLH organisation will either need to ensure that residents clean internal communal areas to a sufficient standard or employ a cleaning contractor.

## Car parks and paved areas

The CLH organisation will need to agree on policies in relation to any car parks and paved areas and to consider issues such as:

- untaxed or abandoned cars and parking of caravans, boats and trailers without permission
- the safety and maintenance of footpaths
- external lighting issues

## Other estate services issues

The following other estate services may be relevant dependent on local circumstances. The CLH organisation will need to determine whether there is a need for policies in any of these areas dependent on whether they are relevant and the frequency with which issues may arise:

- bulk removals of items that otherwise might be left in communal areas
- having strategies to manage empty properties if they might be left empty for a period of time
- pet fouling or other pet related damage
- liaison with the Police or the local authority on safety issues and management of potential hazards in communal areas such as hypodermic syringes, faeces, blood or other bodily fluids in homes or communal areas
- vermin and pest control
- managing play areas

## Risks to be avoided:

- it is agreed that residents will maintain communal areas but some or all of them do not participate sufficiently and standards are not maintained
- volunteers carrying out estate services are not sufficiently trained on health and safety and create liabilities for the CLH organisation
- the CLH organisation does not maintain sufficient records of estate services expenditure to justify service charges, particularly in relation to leaseholder service charges



# Insurances policy

## Aims of the insurances policy

The following may be aims of the insurances policy:

- To ensure there is clarity for the CLH organisation and for residents about what insurance claims can be made
- To ensure that the CLH organisation has a procedure for handling insurance claims

CLH organisations will need to have insurance against risks such as public liability and a fidelity guarantee.

## Taking out a buildings insurance policy

Where a CLH organisation owns buildings, it will need to insure its buildings.

The insurance policy is likely to offer a full reinstatement value and covers the property and any common parts of the building against damage caused by insured perils (eg. such as fire, flood, storm, tornado etc). There are likely to be excesses for any insurance claim which the CLH organisation would have to pay.

It is unlikely that the CLH organisation's insurance policy will cover residents' home contents or personal belongings.

The CLH organisation will need to ensure that it periodically reviews its insurance cover to ensure that its building reinstatement costs are appropriate and that its insurance premiums are value for money.

## Making insurance claims

A CLH organisation will need to agree on a policy for when it is appropriate for it to make an insurance claim. Small insurance claims are likely to be counter-productive due to excesses and the need for administrative work in relation to claims.

On the other hand, a CLH organisation needs to ensure that it has an appropriate procedure for larger claims where significant costs are needed to reinstate the property and the resident in the property.

Where an insurance claim needs to be made, the CLH organisation should always discuss the claim at the earliest possible occasion to avoid invalidating the claim. Where emergency action needs to be taken, the CLH organisation should retain relevant documentary evidence.

## Risks to be avoided:

- Not having sufficient insurance cover to enable full reinstatement and not reviewing insurance cover
- Not knowing when to make an insurance claim
- Invalidating an insurance claim through non-contact with the insurance company or through some other means



# Procedure

## Handling insurance claims

The CLH organisation will need a procedure for handling insurance claims.

## Contacting the insurance company

If it is intended that an insurance claim will be made, it is important to contact the insurance company at the earliest possible occasion and to follow their advice about the claim.

## Claims

The CLH organisation may be able to claim for building reinstatement costs (including in communal areas) and for costs relating to any residents in respect of accommodating them elsewhere whilst works are done (if necessary).



# Gas servicing policy

## Aims of the gas servicing policy

The following may be aims of the gas servicing policy:

- To ensure that all gas appliances are maintained and serviced in accordance with current legislation
- To ensure that all homes with gas supplies have a valid safety certificate or other appropriate action is taken

## Ensuring safety

Failure to safely manage gas appliances and flues may result ultimately in loss of life. Penalties following breaches of the regulations can lead to imprisonment and potentially unlimited fines for cases referred to Crown Court. The CLH organisation needs to aim for 100% compliance with all properties having a valid service and safety check document in place at any given time.

## The regulations

In relation to tenanted properties, the regulations require that:

- gas fittings and flues are maintained in a safe condition.
- an annual safety check is carried out on each gas appliance/flue by a Gas Safe registered engineer
- these checks must be carried out before the start of any new tenancy, unless the appliances in the property have been installed for less than a year, in which case they should be checked within a year of the installation date
- all installation, maintenance and safety checks are carried out by a Gas Safe registered engineer
- a record of each safety check is kept for at least two years
- a copy of the latest safety check is issued to existing tenants within 28 days of the check being completed, or to any new tenant before they move in
- all reasonable steps should be taken to ensure access to properties for safety checks and maintenance to be done.

There is not a requirement for the landlord to maintain or have safety checks done on appliances owned by the tenant or on flues/chimneys that are solely connected to an appliance owned by the tenant.

## Managing lack of access

The CLH organisation needs to agree and state its policy regarding what it will do if, having given sufficient warnings, contractors cannot gain access to a property to carry out gas safety checks:

- where possible, the CLH organisation may be able to disconnect or cap the gas supply
- the CLH organisation may enter a tenant into court
- for all new boiler installations or replacements, the CLH organisation may be able to install service interval timers which give early warning that the servicing is due and interrupt the gas supply if the service interval is exceeded.

## Tenant choice

Where a tenant chooses to have their gas systems capped, the CLH organisation will need to annually check that it remains capped.

## Replacement of gas systems



A CLH organisation may choose to lessen service requirements by replacing gas fires with electric fires and replacing gas systems that do not require flues.

## Risks to be avoided:

- A CLH organisation does not carry out its gas safety checks in accordance with the regulations thereby incurring severe liabilities
- Tenants do not allow access for gas safety checks and the CLH organisation does not take action to address this

## Procedure

### Appointment of contractors

The CLH organisation will need to procure a Gas Safe registered contractor or contractors to:

- carry out safety checks and services
- install new installations
- provide system maintenance cover

### Certification

The CLH organisation is responsible for ensuring that the contractors it uses have up to date Gas Safe registration certification. The CLH organisation will need to have procedures to ensure that safety certificates are obtained annually, which may mean carrying out safety checks over an 11 month period. The CLH organisation is responsible for monitoring that gas safety certificates are obtained.

### Lack of access

The CLH organisation needs a procedure for managing lack of access (and for lack of gas supply at a service) and a procedure for recharging tenants for missed appointments, capping costs and any legal costs incurred to gain access.

### Tenant owned appliances

The CLH organisation will need to ensure that any defective tenant owned appliances should be disconnected and labelled as dangerous. If the tenant refuses to have the appliance disconnected, the CLH organisation should contact TRANSCO. The CLH organisation will need to require that any tenant owned gas appliances are only fitted by Gas Safe registered contractors.

### Void properties

The CLH organisation needs a procedure for managing gas capping when a property is void and for uncapping once gas systems have been checked on reoccupation and are safe to let (which will only be possible once the new tenant is in occupation and has registered for the gas supply).

### Record keeping

The CLH organisation will need to ensure that it maintains a gas asset register which records the following information:

- property and details of CLH organisation appliances at the property
- date of installation (if known)
- date of last service, date of next due service, actual service date



- any properties that have been capped and the dates that checks have been completed
- any letters/other records in relation to action taken to ensure access
- any other relevant information.

## **Reporting to the Governing Body**

The CLH organisation needs a system where the governing body monitors its gas servicing programme.



# Health & safety policy (buildings)

## Aims of the health and safety policy (buildings)

The following may be aims of the health and safety policy:

- To ensure that the CLH organisation complies with its health and safety legislative and regulatory responsibilities in respect of the buildings it owns or manages
- To ensure that the CLH organisation adopts high standards in relation to ensuring health and safety

## Ensuring safety

A CLH organisation may have various health and safety features that it may need to take responsibility for in relation to its buildings, dependent on the nature of the properties it owns or manages. The items listed below will apply only if the CLH organisation has properties for which they apply. Health and Safety at Work is covered in a separate policy.

A CLH organisation needs to identify, recognise and accept responsibility for meeting all statutory requirements that provide for health and safety of tenants in their homes.

## Fire safety

The Regulatory Reform (Fire Safety) Order 2005 (the Fire Safety Order) requires any organisation that has some level of control of non-domestic premises - that includes common parts of blocks of flats and houses in multiple occupation (HMOs) - to take reasonable steps to reduce the risk from fire and to make sure people can safely escape if there is a fire.

The Fire Safety Order does not apply to individual flats in a block or house. In practice a risk assessment of common areas may need to take into account individual flats opening into that area and in particular the door dividing the flat from the common area.

To comply with the Fire Safety Order, a CLH organisation that has properties covered by the order, should:

- have Fire Risk Assessments (FRAs) carried out by someone competent to do them of all relevant properties to identify fire risks and plan action to manage them
- implement measures (particularly those recommended in FRAs) to reduce or remove the risk of fire on the premises and the risk of the spread of fire within the premises
- make arrangements to provide safe and effective detection and warning arrangements and safe and effective means of escape. If fire fighting equipment is provided, those who might use them should be trained on how to use them. Any installations should be checked and maintained on an annual basis.
- provide appropriate information relating to fire safety for all residents, including information about what to do in the event of a fire and about fire prevention
- ensure that any volunteer, staff member or contractor who might be working on relevant properties are provided with appropriate instruction, training and supervision to enable them to maintain fire safety standards.



Frequent periodic checks should be carried out (and records relating to checks kept) of affected properties in relation to the following and potentially other issues that might have a bearing on fire safety:

- ensuring fire doors are in good condition and are not wedged open
- ensuring all access and emergency exits are kept clear at all times. The CLH organisation will need to decide whether to adopt *zero tolerance* of items left in communal hallways or *managed use* (where some non-combustible items are permitted where the CLH organisation is absolutely sure that such items could never block access). Zero tolerance is usually more effective and the CLH organisation should take action to remove items left in communal areas if this is the case.
- ensuring there are no obvious fire hazards such as combustible material
- checking that there is no damage to fire protection equipment such as smoke ventilation shafts and windows, emergency lighting, signage, alarms etc.
- checking all relevant electrical or dry riser cupboards are shut and secured
- checking the status of fire panels and automatic fire detection and smoke venting systems and raising urgent and non-urgent repairs where necessary
- testing alarm systems (a periodic check should be made of any electrical systems by an NICEIC registered electrician)
- assessing the potential for arson within the property and its curtilage.

An evacuation strategy should be decided on and this should be communicated to all residents of the building. The evacuation strategy may be that residents should *stay put* in the event of a fire if the CLH organisation is confident that there is sufficient compartmentation between flats and the communal areas.

Escape routes identified should be:

- suitable for the numbers likely to use them
- easily, safely and immediately openable at all times
- have escape route fire signage that is appropriate for the property type
- usable without passing through doors requiring a removable key or code to unlock
- free from any obstructions, slip or trip hazards
- well-lit by normal or emergency escape lighting
- available for access by the emergency services.

Personal Emergency Evacuation Plans should be developed for any resident who needs help to escape.

The CLH organisation needs to ensure that any contractors who work on its properties understand health and safety measures and the need for compartmentation between properties. The CLH organisation should monitor compartmentation between properties following any works carried out.

The guidance listed here largely relates to purpose-built blocks of flats. Where a CLH organisation owns or manages properties over 18 metres, buildings converted into flats, flats that are in the same buildings as commercial premises, and other types of flats, it should obtain advice specific to the properties.

## Gas, electricity and water safety



A CLH organisation should have a Gas Safety Policy that ensures that all gas systems and equipment are properly installed and serviced annually by Gas Safe registered organisations.

Electrical installations should be periodically inspected and tested dependent on the nature of the installation and industry best practice. Repairs to electrical installations should be carried out by suitably qualified contractors.

A CLH organisation may own homes or buildings where water storage and distribution present a water safety risk (this is unlikely to be in new or recent build homes but may be in older homes and in converted properties). Where necessary risk assessments should be carried out on water systems by a suitable external contractor and control measures recommended should be implemented.

It is a legal requirement to consider the risks from legionella that may affect residents, staff or members of the public and take suitable precautions.

## **Asbestos Containing Materials (ACMs)**

Older buildings owned or managed by CLH organisations may contain ACMs. A CLH organisation needs to arrange asbestos management surveys of all buildings constructed before 2000. Dependent on findings of surveys, ACMs should be managed by leaving them in situ and informing volunteers, staff and contractors of their locations and monitoring their condition. Where the only safe option is removal, they need to be removed by a licensed contractor.

Assessment of domestic premises should be carried out prior to any invasive work to identify where sampling and analysis will be needed to identify the presence of ACMs. Results should be provided to contractors who will be working on the property. Where ACMs are suspected in the part of the building where works are to be carried out, sampling and analysis of suspect materials should be arranged, and where this indicates that the work would disturb ACMs, a suitable contractor should be engaged to carry out the work.

A CLH organisation should maintain an asbestos register of any properties containing ACMs.

## **Control of Substances Hazardous to Health (COSHH)**

There may be instances where a CLH organisation, or staff or contractors working for it, may use hazardous substances, such as cleaning products, printer inks and toners or weedkillers. Where a CLH organisation is using such materials (through its volunteers or through staff directly employed), it should keep records of substances used, their storage, their risks and what steps are taken to mitigate risks. Where a CLH organisation employs contractors, the CLH organisation should check how the contractor assesses and mitigates risks relating to their use of hazardous substances.

## **Construction (Design and Management) Regulations 2015**

CLH organisations may have responsibilities in relation to CDM regulations which place a health and safety responsibility on the CLH organisation as *the client* – an organisation for whom a construction project is carried out. Construction is defined in CDM 2015 as the construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration or other maintenance, de-commissioning, demolition or dismantling of a structure.

The client's duties include making various suitable arrangements to ensure health and safety of personnel. This will usually be ensured through the employment of appropriately skilled and qualified contractors, but the CLH organisation still retains responsibility. The CLH organisation is also required to notify the Health and Safety Executive (HSE) where construction work is scheduled to last longer



than 30 working days and have more than 20 workers on site at any point and/or where construction work is scheduled to exceed 500 person days.

## Contractors

All contractors employed by a CLH organisation should undergo an approvals process which includes as a minimum the requirement for them to submit Health and Safety Policy and Public Liability insurance certification and demonstrate their competence to carry out the work safely. The extent of health and safety checks carried out should depend on the type and extent of work the contractor will be undertaking. Contractor performance should be monitored through performance indicators, site visits, investigation of accidents and near misses, and feedback from residents and any volunteers or staff involved.

### Risks to be avoided:

- A CLH organisation is not in compliance with health and safety legislation. Consequences for governing body members, volunteers and staff in the event of death or injury as a result of not doing something that should be done can be severe.
- A CLH organisation considers that it is delegating health and safety risks that are its responsibilities to staff or contractors.

## Procedure

The CLH organisation will need to ensure that it has procedures relating to health and safety risks pertaining to its properties:

- **fire safety in communal areas or HMOs** – keeping records of fire risk assessments – carrying out periodic inspections and safety checks
- **gas, electricity and water safety checks** – keeping records relating to each service where applicable
- **Asbestos Containing Materials** – keeping an Asbestos Register and recording incidents where ACMs are disturbed
- **COSHH** – keeping records of use of hazardous substances
- **CDM regulations** – keeping records where there is a requirement to do so – primarily in the construction phase, but potentially in other circumstances
- **contractors** – keeping records of procurement processes and consideration of health and safety policies, insurances and relevant certification dependent on contractor trades



# Contact Community Led Homes

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