



Guidance – managing and maintaining community-led homes

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This guidance is about managing and maintaining community-led homes once they have been built – how the community-led housing organisation ensures that excellent services are provided to the people living in the homes and that the homes are well maintained into the future. It relates to **L2 Housing Management and Maintenance** in the **Community Led Homes Programme**.

Community-led housing organisations have been managing and maintaining their homes for many years. Housing co-operatives set up in the 1970s are still going strong now – and there were other organisations of a similar nature set up before that as well. So ... it can be done.

There are some basic functions that must be carried in any rental housing management system, such as how people access homes; how rents are collected; how repairs are done; how complaints are managed; and various other tenancy related matters.

However, there are also now increasing sets of rules and regulations that must be complied with and risks that organisations are expected to consider and manage, particularly with regards health and safety. As well as this, dependent on how the organisation wants to manage and whether it operates within the Registered Provider framework, there are growing expectations about record keeping and reporting systems. These requirements place additional burdens of bureaucracy that some community-led housing organisations may struggle to manage.

Some community-led housing organisations may also need to know about managing other housing tenures/systems, such as leasehold management, shared ownership management, or management of shared housing.

This guidance aims to give an overview of the above issues – considering housing service provision, the housing management environment, ways that organisations can be managed, ways that service users can be involved in service delivery, and landlord statutory and regulatory responsibilities.

However, it is stressed that:

- this guidance is an overview. There are many moving parts in any housing organisation and it is not possible to cover every potential eventuality. Each community-led housing organisation needs to make housing management systems that work for them.
- the CCH is not qualified or indemnified to give legal advice. There are references in this guidance to legal matters, but organisations will need to take their own legal advice regarding matters of a legal nature.

This guidance considers the following areas:

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1 The housing management environment

It is important to understand how housing management works in housing associations, differences in the community-led housing sector and the potential outcomes that may derive because housing management in community-led housing organisation is different. There are many privately managed housing organisations in the UK, but a lot of the housing management framework in community-led housing has derived from the housing association or council housing sectors.

A housing association in England that owns about 5,000 homes is now considered to be medium sized. Some associations now own over 100,000 homes – with homes in many local authority boroughs and spreading right across the country. This means that in most housing associations:

- there is very rarely localised service delivery. Service delivery in housing associations is increasingly centralised, with central switchboards operated by staff trained to respond to a wide range of queries
- services are increasingly becoming digitalised – where tenants and other service users can order services and check elements of their tenancies online. That tenants can have such online access is seen positively by some tenants.
- the breadth and width of housing associations tends to mean that they need to clearly define service standards and agree many policies and procedures regarding how they respond to the plethora of complex issues that may come up in their housing management systems.
- it also means that there is a culture of measurement in the sector where the only way to ensure that systems are working as they need to is by measuring elements of service delivery including how service users feel about it.

The best housing associations make their systems work well. They recognise that tenants and service users have an important role to play in ensuring that their increasingly complex systems work effectively. In some associations, tenants are invited to “scrutinise” aspects of the service to ensure that service delivery meets tenants needs and aspirations as effectively as it can do.

However, some housing associations have become as impersonal as the former public utilities – unresponsive, mechanistic, unaccountable and difficult to communicate with. A housing association Chief Executive proudly announcing that digital systems meant that “we don’t have to talk to our tenants anymore” is culturally symptomatic of this end of the sector.

Problems have been exacerbated by increasing levels of risks in relation to fire safety and other health and safety matters and by Government required rent reductions in the housing association sector which have meant in some cases that customer facing services have been cut back.

However, there may be significant changes post-Grenfell. There is increasingly common agreement in the sector that there is a need for cultural change in relation to the relationships between tenants and landlords and tenants may become part of national social housing policy development. This may result in community-led housing initiatives being seen more favourably in the sector.

This lengthy preamble about housing association and council housing management is to get across that housing management in community-led housing can be quite different. It needs to have some of the elements of policy development, measurement and bureaucracy that exist in the counterpart sectors, but at the same time, community-led housing management is marked by:

- **community** – members of community-led organisations are likely to know and talk to each other
- **local community decision-making** – people who can take decisions, often quite quickly, about things that are of importance to the people living in the community. Many community-led housing organisations are very good at dealing with complex issues at a local level in a real and human way and with consensus.
- **less understanding of the need for bureaucracy** – community members can find the formal systems operated by larger housing organisations very alien to their understanding of what their community needs. Nonetheless, community-led housing organisations do need some of the formalities to ensure fairness and effectiveness.
- **less relevance of performance measurement systems** – community members are also often not enamoured by the performance measurement systems used by their larger counterparts. This is at least partially because the scale of most community-led housing organisations can make performance measurement statistically less relevant.
- **a personalised service** – community-led housing can result in a more personalised services, but the members of community-led housing organisations need to consider how they deal with their personal interests. There is also a need for consideration of how to ensure objectivity - in an environment where everyone knows everyone else, managing problems that may arise can bring its own challenges.

- **dealing with extremes** – there may be less understanding in a community-led housing organisation that systems need to be able to deal with extremes. Extreme and difficult to deal with issues rarely come up in community-led housing organisations, but they can do.
- **a need to consider legal liabilities and duty of care** – community-led housing organisations have the same legal and regulatory liabilities and duty of care to their members/residents and others as larger organisations. Community-led housing organisations are led by community members and sometimes there may be a perception that they can choose not to have or not to grant the rights they would have elsewhere. This can't be done. People still have the same rights and the organisation the same liabilities.
- **if things go wrong – they can really go wrong!** Most existing community-led housing organisations have been operating successfully for many years and in ways that provides extensive benefits to their members and residents. However, in the small number of cases where things go wrong – they can go spectacularly wrong!

Registered Provider community-led housing organisations, and those that manage homes on behalf of Registered Providers, are required to comply with a regulatory framework that places more requirements on them. In practice, the Regulator of Social Housing has limited interest in the activities of "small" Registered Providers. This can mean that on the few occasions where there is poor practice in Registered Provider community-led housing organisations, it only comes to light when serious problems emerge.

The CCH has produced [management guidance](#) that provides a checklist of housing management issues that need consideration. It suggests what an excellent organisation and what a dysfunctional organisation would do in relation to the issues raised. It also includes a checklist of documentation and records that need to be kept.

2 Methods of community-led housing management

There are various ways that community-led housing organisations carry out housing management functions. These could include:

- **volunteer management** – where volunteer members carry out all or some of the operational tasks that need to be done. These volunteers would usually be residents of the organisation, but there may also be non-residents supporting the organisation carrying out operational tasks on a voluntary basis.
- **staff employment** – with sufficient resources, the community-led housing organisation could employ staff to carry out operational functions
- **agency management** – the community-led housing organisation may employ an agency or service provider to carry out operational functions. There are established community-led housing service providers operating in several areas of England. Some provide services to large numbers of community-led housing organisations across wide geographical regions and employ significant staff teams. Some are stand-alone organisations. Some are parts of housing associations. There are other smaller service providers, based around one or two members of staff, providing support to small numbers of community-led housing organisations. The CCH operates an [accreditation programme for service providers](#) to community-led housing organisations.
- **combinations of the above** – community-led housing organisations could choose to deliver their housing management through a combination of the above approaches. For example, a organisation operated primarily by volunteers could choose to employ a staff member or an agency to carry out some functions. Or a organisation which predominantly operates using paid staff or an agency may also use volunteers for particular operational functions.
- **leased management** – where a community has developed homes for local community reasons but has no interest in local community management, the community-led housing organisation may enter into a lease with another organisation (usually a housing association) to manage the homes on their behalf. The community-led housing organisation may still have some influence over how the homes are managed and, dependent on the terms of the lease, may still have some legal responsibilities as the owner of the organisation.

Advantages and disadvantages of each approach

Management method	Advantages	Disadvantages
Volunteer management	<ul style="list-style-type: none"> • hands on, localised service delivery delivering what residents want • usually likely to support community ethos • no costs for services delivered by volunteers • operational knowledge of how the housing services works amongst governing body members 	<ul style="list-style-type: none"> • may be overly arduous for volunteers. Volunteers may not wish to take on such levels of responsibility, either initially or once founder members have moved on. • potential for conflict and blurring between volunteer governance and operational roles. Governance roles may not be properly carried out.
Staff employment	<ul style="list-style-type: none"> • the organisation enjoys the professional services of dedicated members of staff • onerous services do not have to be performed by volunteers • the organisation can recruit and develop staff members as required • VAT costs are not incurred which may be the case if using an agency 	<ul style="list-style-type: none"> • staff employment can be a challenging role for volunteers. It is a responsibility that has not been historically well fulfilled in community-led housing organisations. • there may be staff cover issues and if staff to do not have all the skills needed • it is difficult (and sometimes dangerous) for staff to be lone workers • the organisation may not be able to afford to employ staff directly

Management method	Advantages	Disadvantages
Agency or service provider	<ul style="list-style-type: none"> • the organisation receives staffing support from service providers with broad housing management skills • the community-led housing organisation is not responsible for staff management • the service provider has a responsibility to provide its own staff cover and have the skills it needs to do the job. Larger service providers and those linked to housing associations have access to specialist skills • the community-led housing organisation may develop links with other community-led organisations through the service provider • in some cases, it is possible for the organisation to participate in shaping or influencing the service provider 	<ul style="list-style-type: none"> • the organisation does not have direct control over staff working for the service provider • in some cases, organisation residents may perceive the service provider to be the landlord rather than the community-led housing organisation • some compromises may have to be made to gain economies of scale • there is a need for the community-led housing organisation to get the right legal agreement with the service provider • service providers who are not controlled by and set up exclusively to provider services to community-led housing organisations have to charge VAT to their clients
A combination	<ul style="list-style-type: none"> • allows the community-led housing organisation to choose the bespoke approach appropriate to its circumstances • the organisation can pick and choose the best of each of the approaches 	<ul style="list-style-type: none"> • with a mixed approach there can be potential for lack of clarity regarding who does what

Management method	Advantages	Disadvantages
Leased management	<ul style="list-style-type: none"> • this approach means that the community-led housing organisation can focus solely on development of the homes it wants without having to worry about long term management 	<ul style="list-style-type: none"> • even if the community-led housing organisation does not wish to be involved in long term management, it remains responsible (and in some cases legally so) for its homes. • it may be difficult to have much influence over housing management if the homes have been leased to another organisation if performance is poor.

3 Access to empty homes

How people access empty homes in a community-led housing organisation is dependent on what the tenure of the homes is, how the organisation was funded, and in some cases, local criteria set by the community-led organisation.

Scenarios	Implications for access to homes
If the organisation received public funding to develop	It is likely to be the case that there will be conditions attached to the funding regarding who can be housed. This is especially the case if public funding was received in relation to providing affordable rented homes.
If the tenure is market based (ie. a form of ownership, shared ownership or intermediate/market rented)	People can only access the organisation if they have the resources (equity, income and/or access to a mortgage) that enables them to afford to live there.
If the organisation was developed to provide homes for local people	There may be criteria – through local lettings arrangements or through covenants or leases – where the homes can only be let or bought by people with local connections
If the organisation is one where residents are members and manage it locally	There may be “co-operability” criteria – where existing members check whether new residents are likely to participate in the running of the organisation

Public grant for rented homes usually comes with the condition that the organisation houses people who fulfil legal definitions of housing need, usually through local authority nominations. It may be possible to negotiate with the local authority about how their nominations are done to community-led housing organisations. This may be particularly the case for founder members of organisations, who usually need to be pre-allocated to a community-led housing organisation to ensure the development of a community group before people move in.

Subsequent relets may have been nominated through the local authority, but in some cases, local authorities may be prepared to offer arrangements where the organisation can choose from people nominated to the organisation. Some people have negative perceptions about people on local authority registers for social housing. It is likely that they would have particular challenges in their lives resulting in them being on the register, but, whilst few will come with pre-existing knowledge of community-led housing, there is no particular reason why anyone nominated should not have the potential to make a good member of a community-led housing organisation.

If access to community-led housing organisations were to work in the same way as standard allocations schemes for social rented homes or through the exercise of the market in other organisations, it is unlikely that community-led housing organisations could be sustained. A successful community-led housing organisation is dependent in the long term on whether there are sufficient community-minded people who play some active role. This is important at the outset of the organisation when the community ethos and identity of the organisation is being developed. But it is equally important that sufficient new residents participate as the organisation passes on to new generations of members. This probably applies to all forms of community-led housing regardless of tenure – for example:

- a rental co-operative that cannot recruit new active members will end up with no one to make governance decisions and will probably be taken over by a housing association
- an ownership co-housing organisation that cannot recruit new active members will end up like any private housing development
- a community land trust where no new residents actively participate will start to become an us and them organisation and local people may lose interest in the governance of the organisation.

It is up to the community-led housing organisation to induct incoming members in such a way as to maximise their potential community involvement by demonstrating the benefits of community-led housing. Anyone coming into a community-led housing organisation could make a good “co-operator”. The organisation needs to develop access criteria (through allocations, lease or covenant arrangements) that balance the organisation criteria (income, housing need, local lettings etc) with “co-operability”.

Co-operability can be assessed or promoted in various ways. Some organisations have specific co-operability tests where applicants for homes are asked questions about their perceptions of living in a community-led organisation and any past history of community involvement. This may be more about getting across that the organisation is different from standards models of housing rather than enabling choices over who is allocated a home. Some organisations will also invite prospective residents to community events where they can meet with existing organisation residents.

However, for anyone involved in community-led housing, it is important to understand that the nature of people is such that:

- some people get heavily involved in community activity

- some people get involved occasionally
- some people's involvement will ebb and flow dependent on their personal circumstances
- some people will never get involved in community activity.

All of this is fine and part of the rich tapestry of human life!

Some further factors regarding access to community-led housing organisations include:

- if the organisation is successful, there may not be a high turnover. People are likely to want to remain in a successful community-led housing organisation. It may be difficult to justify elaborate waiting lists.
- community-led housing organisations need to consider the “brother of my cousin's mate's wife” syndrome – where they can become membered exclusively by homogenous groups. Vacancies for community-led housing organisations, even where a home is being sold on the open market, need to be publicised fairly and widely. To not do so could and should conflict with the community-led housing organisation's equalities and diversity policy.

Involvement in access to homes

Dependent on the nature of the community-led housing organisation, members of the organisation might be actively involved in access to homes as follows:

- setting and reviewing the policies and procedures for how access to homes works in the community-led housing organisation. All community-led housing organisations need to consider criteria and how to encourage and support active involvement from those coming into their homes.
- ensuring wide publicity about the organisation so that prospective members/residents know about it and want to live in the homes
- being involved in allocations processes where appropriate. Most rental organisations will involve some decision-making process over who lives in the homes, and there could be an element of “allocation” in relation to leased or shared ownership homes.

Those involved in allocations processes need to have had some training or guidance on how they perform their role. They need to be able to demonstrate and have records that their decisions can be justified in accordance with the organisation's allocations criteria. They also need to have signed up to and comply with a code of confidentiality and the

organisation needs to ensure that its allocations processes comply with General Data Protection Regulations.

- having members involved in the allocations process, or something equivalent if an allocations process is not appropriate for the organisation, is useful also because it enables dialogue between existing and prospective members. It offers an opportunity to get across to prospective residents that the organisation is different from traditional housing.
- similarly, community-led housing organisation members may wish to be involved with the “lettings” process – ie. where the tenancy agreement, lease or other occupation agreement is signed. This again is an opportunity to engage with the incoming resident and hopefully induct them successfully into the community-led housing organisation.

A variety of information may need to be imparted and documentation given in the lettings process (and records may need to be kept that this is the case) that could include:

- a) going through the tenancy agreement/lease
 - b) receiving a share payment and providing a share where applicable
 - c) advising residents about how the community-led housing organisation operates and how they can get involved
 - d) formally informing the new resident of the address of the community-led housing organisation and who they can get in touch with if they wish to raise issues
 - e) providing the community-led housing organisation's handbook, detailing information about repairs and other operational issues
 - f) advising residents about how they make rental and/or other payments
 - g) advising residents about benefit entitlement where applicable
 - h) providing formal information on fire safety
 - i) providing information on local amenities and features of the home
 - j) carry out a survey on how well the “letting” process worked for the new resident
- the community-led housing organisation may also wish to arrange a follow up visit to the new resident once they have had a chance to settle in, and buddying systems can be established where a new resident is assigned an existing member who will maintain contact with them, possibly calling for them prior to meetings of the organisation.

4 Repairs systems

In the early stages of a new community-led housing organisation there will initially be a defects period during which the build contractor is responsible for carrying out repairs. Community-led housing organisations need to have in place effective systems to ensure that all defects are reported swiftly to the contractor.

Beyond the defects period, there should be limited numbers of repairs that need to be done in the early years of an organisation, but repairs that need to be done will increase over time. Getting repairs done quickly and effectively and planning to replace components of the home becomes a very important part of the community-led housing organisation's operations and needs to be planned for from day one. This is important for the business of the community-led housing organisation, but it is also important to residents that repairs are done well, within acceptable time periods and with the minimum amount of fuss. How repairs are done may well be a key determinant how happy residents are living in their homes.

The following are the elements of a repairs and maintenance service:

Element	Description
Day to day response repairs	Repairs that are carried in response to a resident requesting them
Gas and other servicing	Annual programmes to maintain and check the safety of gas systems and any other annual servicing (eg. door entry systems, lifts)
Planned maintenance (also known as asset management or the major works programme)	A planned programme to ensure that building components are replaced when needed
Cyclical maintenance	A cyclical programme (possibly every five years) to maintain external features (such as painting wooden window frames)
Voids repairs	Repairs done to bring empty homes up to a lettable standard
Services and grounds maintenance	Cleaning, gardening and any other services

Day to day response repairs

Most of this section applies only to tenanted properties, but some will apply also to leasehold properties, dependent on the lease. Key issues to consider in a day to day response repairs service include:

- **who is responsible for repairs?** The tenancy agreement or lease should set out which repairs are the landlord's or the tenant's responsibility. Most leases will place all repairs responsibility on the leaseholder and most tenancy agreements will place all but internal decoration and minor repair responsibilities on the landlord (although there may be exceptions in both cases). Landlords of tenanted properties have legal responsibilities to maintain homes to a minimum standard, and a Home Regulatory Standard requires Registered Provider landlords to provide a reasonable quality responsive repairs service.
- **how are repairs reported?** The community-led housing organisation needs to ensure that there is a system where tenants can report repairs that operates 24 hours a day and 7 days a week. Community-led housing organisations may have repairs reported to a voluntary repairs officer, to a member of staff (whether directly employed or in a service provider), or in some cases, directly to a contractor. Arrangements will need to be made regarding an out of hours repairs service, including for bank holidays. The more that can be identified in the repairs reporting system about what needs to be done, the smoother the repair will be. It is better for the tenant and the landlord that a repair can be done by a contractor on the first visit to the home. The more specified the time can be will be better for busy residents, but it may be difficult for contractors to know how long jobs will take them – meaning that they will often just offer morning, afternoon or evening appointments. Whilst contractors calling on spec to carry out a repair can suit a contractor, it is often not popular with tenants.
- **how quickly should repairs be done?** Repairs are usually categorised as being either emergency (to be done within 24 hours), urgent (to be done within 7 days) or standard (to be done within 28 days). Contractors normally charge more to carry out repairs dependent on how quickly they are expected to do them. The following table sets out some examples of the different timescales:

Definition	Examples	Target
Emergency repairs		
Repairs which put the health, safety or security of members or others at immediate risk or which affect the structure of the building adversely.	<ul style="list-style-type: none"> • electrical faults and dangerous electrical fittings • burst water supplies involving escaping water • sewage overflowing internally & blocked sewerage drains • total loss of water supply • no heating in winter • security risks to doors/windows 	24 hours (or sooner in some cases)

Definition	Examples	Target
Urgent repairs		
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"> • leaks through roofs • water penetration through doors/windows • partial loss of electrical outlets (lights or sockets) • no hot water • partial loss of water supply 	7 working days
Standard repairs		
Repairs that can be deferred without causing serious inconvenience to the resident or someone else	<ul style="list-style-type: none"> • general building repairs • external works (eg. fences and gates) • easing doors or windows • repairs to floors/paths that are not hazardous 	28 working days

Residents should always be advised to report the smell of gas to the gas supply company (currently Cadent 0800 111 999). The aim of emergency, and in some cases urgent, repairs is to make safe for residents and others. Having made something safe, there may be a need for a further repair to make something good.

The community-led housing organisation should also consider whether repairs should be considered of a greater priority if the resident has greater need because of their personal circumstances.

- **who should repairs be done by?** Large housing associations often have directly employed repairs staff, but the potential for this in a community-led housing organisation is likely to be limited. Most community-led housing organisations would have an agreed contractor list from which contractors are selected to carry out repairs works. Contractors that the community-led housing organisation might need to have access to, dependent on the nature of the homes, could include:
 - general contractors who can carry out most non-specific trades
 - gas contractors
 - electricians
 - gardening and environmental (including tree surgeons)
 - drainage specialists
 - door entry and/or lift specialists
 - pest control specialists
 - contractors who specialise in environmental efficiency products

This is a non-exhaustive list – there could be other specialisms required dependent on the nature of the homes.

Various checks and information would need to be provided by contractors on the list including:

- information on their tax and financial status
- information about insurances they hold
- up to date certification in relation to the contractor's trade (ie. certification to work on gas or electricity systems; COSHH certification in relation to use of hazardous substances; fire safety certification in relation to carrying out fire safety checks)
- their health and safety policy
- their statement of compliance in relation to General Data Protection Regulations
- their equalities and diversity policy

Potential contractors would normally agree their hourly charging rates (for normal and out of hours call outs). Community-led housing organisations are sometimes shocked by the costs of specific trades such as gas and electricity tradespeople, but only those who have received appropriate technical training and specific certification can work in these areas and there are limited numbers of people with skills in these areas.

Even with a contractor list, it would be normal for the organisation to agree cost levels at which prospective repairs jobs would be subject to obtaining two or three quotes and at which larger areas of work would be tendered.

It may be appropriate in some cases for members of rental community-led housing organisations to carry out some small areas of work themselves. However, this should usually be limited and needs to take into account the health and safety duty of care the organisation has to the member and that if the works are done dangerously or poorly, the organisation is liable for them. It would usually be the case that residents would be expected to seek and receive permission to carry out works on their homes and that the organisation would only give permission for works if the resident could demonstrate how the works would be done to the safety and quality standards expected by the organisation.

- **how are repairs authorised?** The community-led housing organisation will need to delegate authority to someone – a voluntary member or members and/or a member of staff (directly employed or in a service provider organisation) who will authorise repairs works up to a defined level of cost. Repairs above that defined level of cost may need to be authorised by more than one or more persons up to other defined levels of cost; and above that by the full governing body. The organisation also needs to have in place arrangements to deal with emergency situations. Records need to be kept regarding who authorised each repair.

Those delegated to authorise repairs need to be conversant with the community-led housing organisation's repairs policy, but the practical realities of running a repairs service is that a multiplicity of circumstances could arise that have not arisen before. Where complex out of policy issues arise, they should be discussed by more than one person, and consideration needs to be given to precedents that may be set (ie. if one person gets a particular repair done, then the next person who asks for the same repair will also expect it to be done). The community-led housing organisation may wish to ensure that it has access to a professional (a surveyor or someone else with trades skills) who can advise on whether a repairs job needs doing and how it should be done.

- **how are repairs recorded and monitored?** There should be some system by which those who authorise and manage repairs report back to the governing body on repairs carried out. Housing associations have reports that set out global percentage-based statistics that could include numbers of repairs carried out, achievement of target times, repairs completed right first time, satisfaction with the repairs, numbers inspected, contractors used, costs. A community-led housing organisation needs to decide how much of this information is useful, but the smaller scale of community-led housing organisations tends to make percentage-based statistics less relevant. This might mean that in a community-led housing organisation, every repair may be listed for the governing body to consider.
- **health and safety and duty of care** In carrying out repairs, a community-led housing organisation has to consider health and safety issues and its duty of care to its residents, any staff involved, its contractors and to the general public. This could have a wide range of implications. Health and safety and duty of care is discussed later in this guidance.
- **void repairs** When a home becomes empty, a community-led housing organisation would want to ensure that the home is brought up to a defined lettable standard before letting it to someone else. Some activities are required by law or by good practice, such as carrying out gas safety checks, electric checks, arranging for an energy performance certificate, but it will be for the community-led housing organisation to decide what quality the home should be in prior to reletting.

Asset management or planned maintenance

Asset management is a term that refers to what is also called planned maintenance – the replacement of some or all of the components of the community-led housing organisation's homes over a long-term period. This 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 were originally developed.

Having a long term planned maintenance programme agreed by the organisation's members also means that it can tell its residents when it is intended that works will be carried out. Key parts of developing a long-term asset management or planned maintenance plan includes:

- **deciding what components of the community-led housing organisation's 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 day to day 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. See below for components that might be included in the plan.
- **deciding how often the community-led housing organisation wishes to replace the items** - there are industry standards for how often some components need to be replaced, but, in some cases, members may wish to make decisions about how often some components are replaced based on their aspirations or their experience.
- **deciding how much it will cost to replace the components included in the plan** – at the outset this would need to be based on advice about how much items cost, but over time, it can be based on the organisation's existing knowledge of how much it costs to replace items
- **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 community-led housing organisation needs to factor in costs of delivering the planned maintenance programme. The sample organisation below includes 5% of the planned maintenance programme costs for fees for managing the programme.

With these decisions, it is possible to produce a planned maintenance programme (although it is important that the organisation reviews the figures that go into the programme periodically to update them).

The elements included in a planned maintenance programme might include items such as below (the items included, the projected lifetime and costs are

figures used by a sample organisation – each organisation would need to determine lifetimes and costs for themselves):

Planned maintenance	Life (in years)	Costs (£)	notes
Roofs/soffits/fascias	60	7,000	
Repointing/brickwork	60	3,000	
Drives	40	50	per square meter
Guttering	50	500	
Windows	25	2,100	
External doors	30	900	per door
Internal doors	30	500	per door
Kitchen	10	3,800	
Bathroom	25	3,300	
Downstairs toilet	25	900	
Boiler	15	3,800	
Radiators	15	300	per radiator
Rewire	45	2,800	
Door entry system	30	2,500	per system
External redecoration	5	20,000	per organisation
Communal area decoration	10	5,000	per area

The lifetimes and costs shown in this table are specific to the West Midlands community-led housing organisation that provided them (in 2016) and are for illustrative purposes only. Costs will be different in each part of the country and they need to be regularly reviewed. There are industry standard lifetimes, but community-led housing organisations may have specific reasons to extend or shorten lifetimes.

What a community-led housing 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 organisation asked a surveyor to do in a stock condition survey, 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

It should be noted that 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.

Housing industry surveyors will also usually include costs that larger housing organisations use. Dependent on how each community-led housing organisation operates, this may be more or less expensive than the costs they use, and might result in long term planned maintenance costs being set that are more or less than what is actually needed.

As a community-led housing organisation develops its use of a planned maintenance programme, it can change costs anticipated on the basis of what it actually costs to replace components.

A part of a planned maintenance programme might look this (these costs include VAT):

Build cost inflation		4.75				1	1.05	1.10	1.15	1.2	1.26	1.32	1.38
	Element	Life	Costs	Done	Next	2011	2012	2013	2014	2015	2016	2017	2018
Prop 1	Roof/chimney	60	4500	1989	2049								
1989	Guttering etc	50	500	2013	2063			330					
	Windows	25	2100	2011	2036	1393							
	External doors	30	1800	1989	2019								
	Kitchen	10	3800	2014	2024				2942				
	Bathroom	25	3300	2014	2039				2972				
	Boiler	15	3800	1988	2003								4170
	Rewire	45	2800	1989	2034								
	Cyclical	5	550	2013	2008			210					603
Prop 2	Roof/chimney	60	4500	1990	2050								
1990	Guttering etc	50	500	2013	2063			522					
	Windows	25	2100	2012	2037		3672						
	External doors	30	1800	1990	2020								
	Kitchen	10	3800	2003	2013			3149					
	Bathroom	25	3300	2015	2040					2709			
	Boiler	15	3800	1988	2003								4170
	Rewire	45	2800	1990	2035								
	Cyclical	5	550	2013	2008			300					603

This schedule shows planned maintenance costs for two houses (developed in 1989 and 1990). It shows actual planned maintenance costs spent (between 2011 and 2015) and projected costs in the future (between 2016 and 2018). A planned maintenance spreadsheet would actually include costs before and after these dates (at least 30 years into the future) but there isn't space to show this here. Including actual costs enables the community-led housing organisation to compare projected spend against actuals.

The top row in the table shows build cost inflation (shown as 4.75% per annum here). This means that the amount projected to be spent on components is inflated each year by this amount. In fact, component costs should be reviewed regularly and the planned maintenance spreadsheet updated (perhaps every two years).

Issues may arise which mean that some works have to be done earlier than projected and the community-led housing organisation may have reasons to reschedule some works. A planned maintenance programme is important in terms of ensuring that the organisation has the money it needs in the future to replace components rather than a rigid framework for when works will be done.

Cyclical maintenance – some organisations refer to their cyclical programme to protect outside surfaces that need protecting – eg. repainting wooden surfaces on buildings, fences etc – as cyclical maintenance. Cyclical maintenance might be done every 5 years or more or less frequently.

Involvement in repairs

Dependent on the nature of the community-led housing organisation, members of the organisation might be actively involved in repairs as follows:

- setting and reviewing the policies and procedures for how repairs are done in the community-led housing organisation
- participating in monitoring and reviewing the effectiveness of the repairs service through the governing body
- having one or more repairs officers – either as a volunteer receiving and managing repairs requests from other residents – or as the link point to the governing body regarding repairs issues in a position to authorise repairs actions
- having a voids officer – who inspects upcoming empty homes to identify works that need doing to bring the home to a lettable standard and ensures work is done
- managing the asset management programme – and for the governing body as a whole – to oversee and adjust the programme as a whole

5 Rents and service charge systems

Dependent on the nature of the community-led housing organisation, it may collect:

- rent and service charges from tenants and/or shared homeowners
- service charges from leaseholders (and equity and house charge payments from leaseholders in mutual home ownership societies)
- any other payments from residents.

If so, it will need systems to:

- set the rents and/or service charges
- enable payments to be made to the community-led housing organisation
- take action if a resident does not make payments that are due
- provide support to residents regarding payments as necessary
- keep records relating to rent and other payments

Setting rents and/or service charges

The community-led housing organisation should have a long-term business plan which will indicate what resources need to be brought in to ensure its long-term viability. This should usually determine the level of rents that need to be charged. Some community-led housing organisations would assess the views of their members about rent increases, possibly at a general meeting.

However, for Registered Providers, rents are required to be set in accordance with the Rents Regulatory Standard – which means that Government determines the levels of rent increases. Until 2020, the Government determined that rents for Registered Providers should decrease by 1% per annum (although the Government exempted fully mutual housing co-ops and community land trusts from this decrease), but from 2020, should increase by 1% plus the Consumer Price Index. For new properties, the Government determined that “Affordable Rents” could be set up to 80% of the local market rent.

Service charges should be set in accordance with what the services provided cost (eg. cleaning, gardening, communal lighting etc) with some allowance for management costs relating to service charges. Details of what the service charge pays should be provided to those that pay it. There are legal rules relating to service charge fees that can be charged to leaseholders and leaseholders have legal means of redress if they are required to pay service charges that are not used to pay for services.

Occupation of mutual home ownership society homes, and possibly other community-led housing organisations, requires payment of equity, house charges (designed to cover the organisation's management costs) and

possibly other charges. The principle behind mutual home ownership societies is that each resident pays a proportion of their income. Otherwise charges will be calculated in accordance with the organisation's business plan and agreed by members.

Methods of collection

Community-led housing organisations may use various methods to collect rental and other payments, such as:

- **standing orders** – meaning that the resident controls how much is paid
- **direct debits** – meaning that, once set up, the community-led housing organisation can change how much is paid
- **Allpay** or some other collection facility
- **payments into the organisation's bank account** - using personalised paying in books
- **through housing benefit direct payments** – historically those in receipt of housing benefit for rent and service charge payments have been able to have their housing benefit paid directly to their landlord. This is now being phased out with the introduction of Universal Credit, although landlords can still request direct payments where there are 8 weeks or more rent arrears.

Cash payments are generally no longer used by any housing organisation. If the community-led housing organisation receives cash payments, it needs to be insured to do so and have appropriate security arrangements to safeguard monies received and to ensure duty of care to the person receiving cash.

Payments received need to be recorded in individual rent accounts and in an overall rent ledger that is reconciled against the bank account into which rents are paid.

Agreed policies on non-payment action

Community-led housing organisations need to agree policies and procedures about how they will manage non-payment of rent, service or other charges. Generally, such policies would escalate through sending formal letters, carrying out formal home visits, issuing notices for possession, instigating court action and taking possession of the property. When such actions would be taken would normally be defined in the policy – and this would normally relate to the number of weeks arrears are owing. It would also be expected that discretion could be used where there are particular circumstances that warrant it.

Any actions taken in relation to arrears should be documented in the event of the necessity of future court action. Generally, organisations would aim to

make an agreement with a resident in arrears to pay their weekly charges plus an affordable amount towards their arrears so that they gradually reduce. Action needs to be taken as early as possible when arrears start. With the introduction of Universal Credit, where housing benefit is usually paid directly paid to the claimant, managing arrears can become harder, and it is becoming increasingly hard to successfully get possession of homes in the courts for cases of this nature.

Involvement in rents & other charges

Where decisions are taken about rents or other charges that can directly affect the people taking the decisions, it is important in a community-led housing organisation that objectivity is maintained regarding all issues relating to rents or other charges. Maintaining confidentiality is also an important issue regarding individual rent/other charges accounts.

Taking these points into account, members could be involved as follows:

- objectivity can best be maintained by having members agree policies for how rents/other charges are set and arrears managed
- the community-led housing organisation can agree that one or more of its members acts as a “rents officer” or “rent committee” managing rent or other charges accounts. Any such people would need to be bound by the organisation’s code of confidentiality.
- the community-led housing organisation may choose that serious action to manage arrears (ie. when notices to seek possession of the property are served or cases are entered into court) should only proceed with agreement of the governing body, but this approach can delay necessary action
- the governing body needs to monitor the collection of rent and other charges, regularly checking the percentage of arrears of payments. Arrears percentages of over 3% of total rent or other charges due would start to be seen as problematic. In particular, the governing body may have to carefully consider the organisation’s policy for the management of arrears where a tenant is in receipt of Universal Credit. Cases where arrears have exceeded a defined level should be reported to the governing body, along with actions being taken. They should be reported anonymously, but in a community-led housing organisation, there is a possibility that some governing body members will know who they are.

6 Complaints

In large housing organisations with comparatively routine methods of service delivery, there are many occasions on which residents may wish to make complaints about the services they have received or about other things.

The small-scale community nature of community-led housing organisations may mean that complaints are rarer. Residents need to be able to raise complaints if they wish to, and the community-led housing organisation needs to have policies and procedures to respond to them in a positive and supportive fashion.

The types of complaints that can be received could include:

- **management complaints** – where a resident or someone else with links to the community-led housing organisation, wants to complain about a service they have received or have not received
- **anti-social behaviour complaints** – where a resident or someone else alleges behaviour capable of causing a nuisance or annoyance being perpetrated by a resident and/or their visitors
- **neighbour disputes** – where a resident makes a complaint about a neighbour or another resident or their visitors
- **governance and code of conduct complaints** – where a member wishes to raise a complaint about another member's activities in relation to their roles in governing and/or managing the organisation

In a community-led housing organisation, complaints can overlap into the different areas described above and where possible it may be helpful to try to separate them out. The organisation may want to have procedures relating to all of the above types of complaints. Complaints, if not managed quickly and effectively, can, in a community-led housing organisation, quickly escalate into major disputes that can engulf the lives of many members and residents as well as the governance of the community-led housing organisation.

Management complaints

Management complaints may range from comparatively minor issues where a resident simply wants a problem fixed through to allegations that the housing service has failed in more serious ways and action may need to be taken to recompense the resident.

A management complaint is an expression of dissatisfaction with services provided, whether justified or not. It may be about something that should or

should not have been done or has been done badly or unfairly; about something that has been done or not been done in accordance with policies and procedures; about the way that a complainant has been treated in the provision of a service; about a complainant feeling that they have been discriminated against in relation to a service provision.

This could include:

- taking too long to provide a particular service
- not doing something a policy says will be done
- giving someone wrong information or misinforming them
- treating someone unfairly or in a discriminatory fashion in relation to delivery of a service
- making a commitment which has not been kept
- other service matters.

Complainants could be anyone who receives a service from the community-led housing organisation or is affected by a decision or action taken by it, potentially including:

- tenants, leaseholders, other service users, ex-tenants
- other residents
- applicants for housing
- partnership organisations and agencies
- contractors or consultants
- neighbours to properties owned or managed by the community-led housing organisation
- other members of the public.

Complaints may also be received from agencies and others representing the person wishing to make a complaint, such as the Citizen's Advice Bureau, MPs, councillors, support workers, family members and friends or neighbours. Where this happens, the community-led housing organisation needs to check that the complainant has authorised their representative to communicate on their behalf.

Sometimes the active volunteers in a community-led housing organisation may feel annoyed if they receive a complaint from a member or resident, particularly if the complaint is from a member or resident who is not actively involved in running the organisation. However, community-led housing organisations need to respond to complaints positively – seeking to understand and address the concerns of the complainant wherever possible. Features of handling a management complaint should include:

- complainants should be offered the opportunity to have their complaint handled “informally” – where the emphasis is placed on early resolution of the problem – or through a formal complaints procedure – where the problem is investigated and formally responded to.

- the organisation needs to define how complaints are received and they should all be logged
- complaints should be responded to within a timescale defined in the complaints procedure or an explanation should be given why the timescale cannot be achieved
- the organisation should seek to understand what outcomes the complainant wants from their complaint
- the organisation should not be defensive about complaints or seek to justify poor service. Where the organisation has got something wrong, it should admit it, apologise and seek to rectify the problem. In rectifying a problem, the organisation needs to consider any precedents it is setting for future policy decisions.
- the organisation may also learn from complaints and change a policy or procedure as a result of complaints being upheld
- where the organisation considers that the complaint is not justifiable or that what the complainant wants can't be delivered, the organisation should explain why to the complainant and seek alternative options that might satisfy them
- formal complaints should not be managed by the person or persons who is being complained about. In some cases, the community-led housing organisation may wish to have someone independent of the organisation investigate and make recommendations in relation to a complaint.
- once the organisation has responded to a formal complaint, the complainant should be given an opportunity to have the complaint reviewed by people other than those who investigated the complaint. The conclusion of the review process is the end of the organisation's formal complaints procedure.
- at the conclusion of a Registered Provider's formal complaints procedure, the complainant has the option to take their complaint elsewhere, including ultimately to the Housing Ombudsman Service.

Anti-social behaviour complaints

Anti-social behaviour can be defined as conduct capable of causing a nuisance or annoyance to any person, which directly or indirectly relates to or affects the community-led housing organisation and using or threatening to use the homes for an unlawful purpose.

Registered Providers are expected to have policies and strategies to deal with and prevent anti-social behaviour, but any housing organisation should consider how anti-social behaviour would be addressed. Anti-social behaviour can be rare in community-led housing organisations. The community nature of community-led housing organisations means that the community defines its own acceptable standards and there is generally dialogue about issues that may arise.

However, anti-social behaviour does occur in some community-led housing organisations – and no community-led housing organisation should tolerate any action or omission, deliberate or otherwise, which interferes with another person's peace, quiet or security. Even if occurrences of anti-social behaviour are rare, community-led housing organisations should make strong statements about non-tolerance of it.

Examples of anti-social behaviour can include, but are not limited to:

- any kind of criminal behaviour
- harassment incl. violence or threats of violence to people or property
- graffiti and vandalism
- racial harassment and/or other hate related behaviour
- alcohol abuse and drunken behaviour
- nuisance from pets and animals
- unacceptable levels of noise
- dumping rubbish, fly tipping and littering
- misuse of communal areas
- problems caused by vehicles
- breaches of tenancy conditions
- domestic disputes and domestic violence.

Some cases of anti-social behaviour may simply require dialogue and negotiation between affected parties. However, other cases (eg. particularly criminal behaviour and harassment) may require stronger action. Members and local residents who are suffering from any kind of anti-social behaviour should be encouraged to report the problem. They should be assured of confidentiality (except where there are legal reasons to inform the Police or other agencies) and that support will be provided to complainants and witnesses as appropriate.

Actions that could be taken should be incremental in nature, with the emphasis being on bringing about real changes and improvements in behaviour of perpetrators. Measures that could be taken – some in conjunction with other agencies could include:

- discussing the problem behaviour with the alleged perpetrator
- providing mediation between different parties
- warning letters
- formal warnings and cautions

- acceptable behaviour contracts (where the parties concerned sign up to an agreed set of behaviours/actions)
- seeking advice from other organisations where anti-social behaviour issues arise that are more serious than the community-led housing organisation has previously had experience of
- a range of formal actions that might be taken through the Police, Environmental Health, the Courts, or others

Community-led housing organisations may also wish to consider strategies to:

- prevent anti-social behaviour through – for example - developing a sense of community, removing graffiti, dumped rubbish and abandoned vehicles, engaging with Crime and Disorder Partnership (where appropriate), making referrals to other agencies for intervention and support where appropriate, sharing information with the Police and other agencies for the purposes of prevention and detection of crime
- tackle racial and other harassment
- protect the community-led housing organisation's volunteers and staff

Neighbour disputes

A neighbour dispute is defined as when a resident makes a complaint about the behaviour of another resident or their visitors. The complaint may be about anti-social behaviour or may be a breach of tenancy, in which case the community-led housing organisation would deal with the matters in accordance with relevant policies.

However, neighbour disputes are often “six of one and half a dozen of the other” and are often about the parties having different perspectives. In a community-led housing organisation, if not handled carefully, can escalate into feuds and factions.

Managing neighbour disputes can involve:

- interviewing the respective parties and understanding their perspectives and the outcomes they wish to achieve
- seeking to arrange informal dialogue between the parties
- arranging formal mediation
- making written agreements signed up to by all parties
- taking any action in relation to any anti-social behaviour or tenancy breach if applicable
- if agreement cannot be reached, writing to the respective parties letting them know what is expected of them.

Governance and code of conduct complaints

When a complaint is made about how a governing body member is behaving in relation to their roles in the community-led housing organisation, this should be dealt with in accordance with the organisation's code of conduct. Reference to such complaints is included in this section because the community-led housing organisation needs to separate and handle differently complaints that are made about a resident in their capacity as a governing body member from complaints against the same person that might be about their behaviour as an individual resident.

Involvement in complaints

All forms of complaints and disputes need to be handled sensitively and with discretion. Many matters arising may need to be kept confidential. For these reasons, it is often the case that most members and residents should not be involved in complaints issues. However, the following may be ways in which members or residents can and should be involved:

- members and residents should be involved in agreeing the policies and procedures for handling complaints issues
- an individual governing body member could be assigned the role of complaints officer, working alongside any staff or other members/residents involved in resolving complaints issues
- in most cases, it would be expected that complaints issues would be reported to the governing body. This should be done anonymously although in a community-led housing organisation, governing body members may be aware of who is involved. In some extremely sensitive cases, it may not be appropriate for the issue or its details to be raised with the governing body. The purpose of the governing body in relation to complaints being raised is not to rehash discussions that will have already taken place, but to consider whether the policies and procedures have been correctly applied and/or whether something needs to be changed.
- some residents or members may be able to act in advocate, representative or mediation roles for complainants, but it is important that there is a clear separation between those responsible for leading the community-led housing organisation's response to a complaints problem from anyone in advocacy roles. Generally, governing body members should not advocate on behalf of complainants.

Many other management and maintenance issues can potentially come up in a community-led housing organisation. The community-led housing organisation will need to develop policies about them – the alternative being that each of them would have to be considered when they come up at the governing body. A non-exhaustive list of some other issues that may need to be considered includes:

- **breakdown of joint tenancies** – managing what happens when two people living together wish to separate and one moves out of the home
- **improvement requests** – managing requests from residents to make improvements to the home – ensuring quality of works and understanding the member and community-led housing organisation liabilities in relation to improvements
- **membership expulsion** – considering the circumstances under which a member may be expelled from membership of the community-led housing organisation. This has implications in fully mutual housing co-operatives because an expelled member also loses their tenancy.
- **resident damages and recharges** – deciding how the community-led housing organisation will deal with circumstances where a repair is needed because of resident damage
- **safeguarding children/adults** – understanding legal requirements in relation to safeguarding children and adults
- **subletting and taking in lodgers** – understanding laws relating to subletting and taking in lodgers in the Registered Provider sector
- **temporary absences** – managing when a tenant in a Registered Provider home wishes to temporarily be away from their home
- **tenancy/lease breaches** – having policies and procedures to deal with tenancy and lease breaches
- **the pets policy** – often one of the most contentious issues – having a pets policy about what pets can be kept and what is expected of pet owners
- **transfer and exchange requests** – managing how residents can request a transfer to another home or how residents, potentially to or from other housing organisations, can mutually exchange properties

There is a wide array of legal responsibilities that can affect community-led housing organisations. Some legislation will be fundamental to management and maintenance in a community-led housing organisation, whilst other areas of law will only apply in particular circumstances. Below is a summary of the types of legislation that may apply to a community-led housing organisation.

The governing body needs to ensure that it is aware of its primary legal responsibilities and take legal advice where necessary to ensure compliance. In general, the property owner is usually ultimately responsible for most legal compliance issues. Some responsibilities can be delegated in leases and agreements, but the owning organisation usually still has some responsibility to ensure compliance.

Society/company law

Various laws potentially relate to any legal organisation:

- **rules/memorandum and articles** – if a community-led housing organisation is registered as a society, it will need to comply with its rules. If it is registered as a company, it will need to comply with its memorandum and articles and with company law.
- **employment law** – if a community-led housing organisation employs staff, it will need to comply with employment law and practice
- **contract law** – contract law applies to any contracts the community-led housing organisation enters into. European procurement legislation may apply to some large contracts.
- **data protection law** – community-led housing organisations need to comply with the 2018 General Data Protection Regulations
- **equalities law** – community-led housing organisations will need to comply with the Equality Act 2010 which combined and strengthened previous legislation
- **health and safety legislation** – most health and safety legislation applies to workplaces, but there are various aspects of health and safety that apply to housing. This is referred to in the next section.
- **human rights law** – community-led housing organisations need to comply with the Human Rights Act 1998

- **financial reporting standards, fraud and tax law** – community-led housing organisations need to comply with applicable financial reporting standards and statements of recommended practice. The organisation's accountants should know which standards need to be complied with. Community-led housing organisations also need to comply with fraud and relevant tax law.

Housing/planning law

- **housing law** – there are various housing laws that could potentially affect the management and maintenance of homes, particularly relating to maintenance of homes and taking possession of properties
- **planning law and building regulations** – planning law and building regulations apply when building new homes, but also could apply in relation to changes to existing buildings. Listing status, national park status and local by laws may apply in some areas.
- **tenancy law** – various legislation applies to tenancies dependent on the types of tenancies issued, the main ones that might apply in a community-led housing organisation being secure, assured, assured shorthold and contractual
- **leasehold law** – various law applies to leaseholders, particularly in relation to leaseholder rights and responsibilities, service charges, extending, changing or ending a lease, leaseholder enfranchisement, rights in relation to management, leasehold disputes
- **crime and disorder law** – crime and disorder legislation may apply particularly in relation to issues of anti-social behaviour
- **safeguarding and abuse law** – various legislation may apply in relation to safeguarding children and adults, domestic abuse and violence
- **right to rent checks** – in most cases, landlords are required to check the immigration status of potential tenants.

Ensuring health and safety is essential in any organisation. It is hopefully rare that any incidents occur that threaten health and safety, but on the rare occasions that they do, there could be serious consequences for the community-led housing organisation and its governing body. If the governing body has not done something it should have done - if it knew there was a problem and didn't do anything - or if it didn't know something it should have known - and if someone dies or is injured as a result of this, there can be sanctions for organisations and individuals which could include fines, imprisonment and disqualification from directorship.

Most health and safety guidance is aimed at health & safety at work, but the general principles apply to the duty of care to "customers" (ie. members and/or residents) and others the organisation works with. Community-led housing organisations may have a duty of care to:

- members/tenants/residents and their families and visitors
- directly employed staff or staff of service providers
- staff of consultants/contractors
- members of the public

Health and safety guidance discusses the following essential principles:

- ensuring a culture of health and safety through strong and active leadership from the governing body and throughout the organisation
- carrying out assessments of and identifying things that might be health and safety risks, working out how best to manage them
- periodically reviewing risk assessments
- accessing and following competent advice where necessary
- monitoring, reporting and reviewing performance in relation to health and safety

Gas and electricity systems safety

Landlords are legally responsible for the safety of their tenants in relation to gas safety. By law, landlords must:

- repair and maintain gas pipework, flues and appliances in safe condition
- ensure an annual gas safety check on each appliance and flue
- keep a record of each safety check
- provide a copy of the gas safe certificate to new tenants when they move in and to existing tenants within 28 days of the annual check

If tenants do not enable access for safety checks to be carried out, action, ultimately leading to legal action, needs to be taken to require access.

Landlords need to only use gas contractors who are registered on the Gas Safe Register.

Landlords must make sure that all electrical systems and any electrical appliances supplied are safe. There is no law that says landlords must have a electrical safety certificate. But, should any electrical fittings or appliances within rental properties cause harm to a tenant, the landlord can be held liable. Good practice suggests that this means having an NICEIC registered contractor carry out an electrical safety test on empty properties and once every five years after that.

Fire safety

The Regulatory Reform (Fire Safety) Order 2005 (the FSO), which community-led housing organisations are expected to comply, came into force in October 2006 and applies to flatted properties. There are limited requirements for houses, other than ensuring that homes have functioning smoke detectors and ensuring that residents are aware of their responsibilities for knowing their exit routes and keeping them clear.

Standard fire safety guidance covers purpose-built blocks of flats up to three storeys. Flats in converted houses require their own specific risk assessments although some of the standard principles apply. Properties over three storeys high are the subject of current review and reform (in 2018) and require much more stringent fire safety measures. Communal rooms, communal shared housing, flats above or linked to commercial premises require specific risk assessments. The interior of flats is not covered in the FSO, but all dwellings need working smoke alarms.

Some of the basic principles regarding fire safety include:

- **compartmentation & stay put** – where it is possible to “compartmentalise” flats – i.e. do what is necessary to prevent fire spreading from one flat to another, at least until the fire service have had sufficient time to rescue residents – the advice to residents is that they should “stay put”. However, where it is not possible to compartmentalise – for example in some houses converted into flats – the emphasis should be on ensuring safe escape routes or other action to protect residents in the event of fire.
- **fire risk assessments** - a fire risk assessment is required by law of communal properties done by someone who is properly trained and qualified to carry out a fire risk assessment. The community-led housing organisation remains liable for the risk assessment, so it is in the interests of the organisation to ensure a competent risk assessor.
- **reviews and inspections** - for most organisations, a review is needed of the risk assessment every two years, with a full new risk assessment done

every four years. More complex properties require reviews and risk assessments done more frequently. Periodic inspections of communal areas should also be carried out and records kept of them.

- **fire prevention in communal areas** - the organisation should take active steps to prevent fire in communal areas. This includes enforcing a strict ban on smoking in communal areas, having safety measures in place to prevent arson, and ensuring that there are no combustible materials in hallways.
- **electrical installations** – any electrical installations in communal hallways should be periodically inspected and have 5 yearly electrical safety tests. There is a need to ensure adequate lighting in escape routes, but this doesn't necessarily mean the installation of emergency lighting. Similarly, smoke alarms are not required except in large Houses in Multiple Occupation, but they may be desirable. Fire-fighting equipment is seen as potentially hazardous because residents would be unlikely to be trained to use it and could endanger their lives trying to.
- **zero tolerance or managed use** - the community-led housing organisation needs to adopt a "zero tolerance" or "managed use" strategy for items in communal hallways. Nothing should be allowed to block escape routes and there should be no combustible materials in hallways. This means that the community-led housing organisation needs to consider safe storage of bicycles elsewhere.
- **adequate means of escape** – there needs to be adequate means of escape from homes. For standard purpose-built flats, this may simply be the normal method of access, but for more complex homes, including houses converted into flats, more detailed consideration may need to be given to alternative forms of escape.
- **working with vulnerable people** – community-led housing organisations should consider social & lifestyle factors affecting vulnerable people – eg. people who may find it difficult to escape in the event of fire; hoarders with considerable combustible materials in their homes
- **engaging with members/residents** – community-led housing organisations need to engage with their members/residents about escape routes, fire prevention, security, actions to take in the event of fire, fire safety measures - safeguarding them and being aware that making changes in their flats may damage them, testing smoke alarms in the homes
- **emergency plans** - a fire action notice should be disseminated to all residents

- **hazards caused by building works** – community-led housing organisations should consider how any building works may interfere with fire safety measures and compartmentalisation and should ensure that anyone working on homes understand fire safety measures.
- **furniture and furnishings** – any furniture and furnishings supplied must be fire safe

Asbestos register and management

Landlords have a duty to take reasonable care to ensure that those working on properties (and residents) are not exposed to dangers associated with Asbestos Containing Materials (ACMs) during their work and have suitable training and information on the presence of any asbestos they may encounter. Properties built after 2000 are very unlikely to have any ACMs. New community-led homes built now will definitely be free from ACMs, but it may be the case that there could be ACMs in renovated properties.

It is normally expected that landlords would have an Asbestos Register for communal areas of properties built before 2000. Contractors may refuse to work on properties without an Asbestos Register. If ACMs are detected, the organisation would need to periodically inspect it and have a procedure for managing it. If the problem is particularly serious and could potentially cause injury, the organisation would have to have it removed.

Legionella

Legionnaires' disease is a potentially fatal form of pneumonia caused by the inhalation of small droplets of contaminated water containing Legionella. All man-made hot and cold-water systems can provide an environment where Legionella can grow. Where conditions are favourable, then the bacteria may multiply thus increasing the risk of exposure. This can happen in both large and small water systems.

However, on a practical basis, for standard water systems, ensuring safety from Legionella does not require detailed assessment. Small domestic-type water systems are considered low risk, where daily water usage is inevitable and sufficient to turn over the entire system; where cold water is directly from a wholesome mains supply (no stored water tanks); where hot water is fed from instantaneous heaters or low volume water heaters); and where the only outlets are toilets and wash hand basins.

Implementing simple, proportionate and appropriate control measures will ensure the risk remains low. For most domestic hot and cold-water systems, temperature is the most reliable way of ensuring the risk of exposure to Legionella bacteria is minimised i.e. keep the hot water hot, cold water cold and keep it moving. Other simple control measures to help control the risk of exposure to Legionella include:

- flushing out the system prior to letting the property – this should be particularly done if the property is left vacant for a length of time
- avoiding debris getting into the system (e.g. ensure the cold water tanks, where fitted, have a tight fitting lid)
- setting control parameters (e.g. setting the temperature of the hot water cylinder (calorifier) to ensure water is stored at 60°C)
- make sure any redundant pipework identified is removed.

The risk is further lowered where instantaneous water heaters (for example combi boilers and electric showers) are installed because there is no water storage.

Hazardous substances

Hazardous substances can be used in gardening, cleaning and possibly other aspects of a housing organisation. Landlords need to be aware where hazardous substances are being used and ensure that those using them know that they are using them and how to manage them.

Health and safety at work

Community-led housing organisations need to assess risks in relation to any employees, either employed directly, or contractors/service providers working in the organisation's properties. Specifically, the organisation needs to ensure that:

- health and safety at work provisions are applied in relation to any directly employed staff and offices they work in
- consideration is given to lone working – including where directly employed staff or staff from service providers are carrying out visits to the landlord's properties
- repairs contractors have appropriate health and safety policies and comply with them