

**HEALTH AND HOUSING SCRUTINY COMMITTEE
20 OCTOBER 2021**

HEALTH AND SAFETY COMPLIANCE IN COUNCIL HOUSING

SUMMARY REPORT

Purpose of the Report

1. To update Members on role of the Regulator of Social Housing (RSH), particularly relating to the requirements for social housing providers to meet health and safety standards for their tenants. To explain how the Council meets those standards, how compliance is currently monitored and propose how Members will scrutinise performance against those standards.

Summary

2. The RSH sets a number of consumer standards, which social housing providers must comply with. Included in the Home Standard is a requirement that we meet all applicable statutory requirements that provide for the health and safety of our tenants in their homes.
3. The Council has well established and robust processes in place to monitor health and safety compliance in relation to its Council housing stock. Monthly compliance meetings are held between Housing Services and Building Services, the purpose of which is to monitor compliance against health and safety regulatory requirements, address any areas of non-compliance and prepare and plan for any future changes in legislation.
4. The RSH will expect that Members will play a significant role in ensuring that our Council housing meets those health and safety regulatory standards.

Recommendation

5. It is recommended that Members:-
 - (a) Consider the contents of the report, and
 - (b) Ensure that regular reports on health and safety compliance in Council housing are included in the Scrutiny Committee work programme.

**Anthony Sandys
Assistant Director – Housing and Revenues**

Background Papers

(i) The Regulator of Social Housing Economic and Consumer Standards

Anthony Sandys: Extension 6926

S17 Crime and Disorder	There are no implications
Health and Well Being	Compliance with statutory requirements for health and safety in Council housing is essential for the health and well-being of our tenants
Carbon Impact and Climate Change	There are no implications
Diversity	There are no implications
Wards Affected	All wards with Council housing
Groups Affected	Council tenants and leaseholders
Budget and Policy Framework	There are no implications
Key Decision	This is an Executive decision
Urgent Decision	This is not an urgent decision
Council Plan	This report contributes to the Council Plan by involving Members in the scrutiny of health and safety compliance in Council housing.
Efficiency	There are no implications
Impact on Looked After Children and Care Leavers	There are no implications

MAIN REPORT

Information and Analysis

The Regulator of Social Housing

6. The RSH regulates registered providers of social housing (including stock holding Councils) to “promote a viable, efficient and well-governed social housing sector, able to deliver homes that meet a range of needs”
7. Part of the RSH’s role is to set economic and consumer regulatory standards that social housing providers must comply with. Regulatory standards contain specific expectations and the outcomes that providers are expected to achieve. For Council’s with housing stock, Members who govern service delivery are responsible for meeting the relevant standards and determining how this is done.

Economic Standards

8. The RSH proactively seeks assurance from providers that they are meeting its economic standards. These apply to all registered providers except for Councils, because the regulator has no power to set economic standards for Councils (except in relation to rents).
9. The three economic standards are:
 - (a) *The Governance and Viability Standard* (excludes Councils)
 - (b) *The Value for Money Standard* (excludes Councils)
 - (c) *The Rent Standard* sets requirements for social housing providers (including Councils) to set and increase rents for all their social housing stock in line with government policy.

Consumer Standards

10. The RSH also sets consumer standards, all of which apply to Councils. The four consumer standards are:
 - (a) *The Home Standard* sets expectations for social housing providers to provide tenants with good quality accommodation and a cost-effective repairs and maintenance service.
 - (b) *The Tenancy Standard* sets expectations for social housing providers to let their homes to tenants in a fair, transparent and efficient way.
 - (c) *The Neighbourhood and Community Standard* sets expectations for social housing providers to keep the neighbourhood and communal areas associated with the homes they own clean and safe, co-operate with relevant partners to promote the wellbeing of the local area and help prevent and tackle anti-social behaviour.
 - (d) *The Tenant Involvement and Empowerment Standard* sets expectations for social housing providers to provide choices, information and communication that is appropriate to the diverse needs of their tenants, a clear approach to complaints and a wide range of opportunities for tenants to have influence and be involved.

11. Specifically, in relation to the Home Standard, social housing providers must:
 - (a) Provide a cost-effective repairs and maintenance service to homes and communal areas that responds to the needs of, and offers choices to, tenants, and has the objective of completing repairs and improvements right first time.
 - (b) Meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.

12. In addition, the Government's recent Social Housing White Paper (The Charter for Social Housing Residents) states:

We will require all landlords to have a person within the organisation responsible for compliance with their statutory health and safety responsibilities. This person should be visible and accessible to tenants. As such, we will legislate to require landlords to identify and make public a nominated person responsible for compliance with their health and safety requirements. The health and safety responsible person should be sufficiently senior to drive a culture of safety throughout the landlord organisation, and would have specific responsibility for issues such as:

- (a) Driving a strong culture across the organisation for prioritising and delivering health and safety requirements
 - (b) Ensuring robust health and safety systems are in place
 - (c) Providing assurance that health and safety risks are being managed effectively.
13. The RSH's role is to monitor the performance of social housing providers and to intervene where failure to meet the standards has caused, or could have caused, serious harm to tenants. The RSH has not yet determined the 'operating model' (inspection regime) for how it intends to monitor the performance of Councils in meeting the standards, but it is likely to want to see evidence of how the Council has adopted the standards, how it complies with health and safety requirements and how Council Members have scrutinised performance.

Health and Safety Compliance

14. The Council has well established and robust processes in place to monitor health and safety compliance in relation to its Council housing stock. Monthly compliance meetings are held between Housing Services and Building Services, the purpose of which is to monitor compliance against health and safety regulatory requirements, address any areas of non-compliance and prepare and plan for any future changes in legislation.
15. Regulatory organisations that carry out regular challenging audits include the National Inspection Council for Electrical Installation Contracting (NICEIC) and Gas Safe. Building Services also hold International Organisation for Standardisation (ISO) 9001 and 14001, The Contractors Health and Safety Assessment Scheme (CHAS) Accreditation and are currently updating the Construction Line registration.
16. In addition, Health and Safety champions are utilised throughout the Council. The roles are undertaken by people at various levels in the organisation and they report directly to Assistant Directors at monthly meetings.

17. The monthly Compliance meetings are chaired by the Performance and Compliance Manager and the areas covered are as follows.

Asbestos

18. Some of our properties built prior to the 1990's feature some building products with Asbestos Containing Materials (ACMs). Prior to undertaking any planned maintenance, we will survey properties to identify any ACMs, if these haven't been carried out in the past.
19. Survey details are kept on our asbestos register, so that we can prevent disturbing ACMs in the future, as and when we carry out repair work. Most ACMs are perfectly safe if left alone and will probably be left in place if they are likely to remain undisturbed.
20. Where the only safe option is removal, or where work on a property is likely to disturb ACMs, we will arrange for ACMs to be removed by a licenced contractor.
21. Asbestos surveys are therefore carried out on an ad hoc basis as and when they are required and any issues are reported through the compliance meetings.
22. In 2020-21, 405 asbestos surveys were carried out and none of those properties are out of compliance.

Electrical Safety

23. Electrical installations in our properties are subject to an Electrical Installation Condition Report at 5-year intervals, or 10-year intervals for new build properties. Testing and inspection is completed in accordance with BS7671, the Institution of Engineering and Technology (IET) Guidance Note 3 Inspection and Testing, and guidance from the NICEIC.
24. All portable electrical appliances owned by the Council undergo a Portable Appliance Test (PAT) at a frequency specified in guidance from the Health and Safety Executive. These tests, along with repairs to electrical equipment and electrical installation work are carried out by suitably qualified staff, Guidance provided by IET Code of practice for the In Service Inspection and Testing of Electrical Equipment.
25. Health and safety checks and inspections include basic checks to ensure electrical equipment, cables, switches and sockets are free from obvious damage and that sockets are not overloaded. Any issues from these checks and inspections are reported through the compliance meetings.
26. All new build housing is designed in accordance with the BS7671 and Part P of the Building Regulations.
27. In 2020-21, 1,018 electrical safety checks were due. Of these, only 113 were completed in 2020-21 with a total of 509 checks having been completed to date. The electrical safety testing programme was suspended from April 2020 to December 2020, mainly due to a lack of available operatives due to Covid-19. Building Services recommenced the programme in January 2021 and recruited an additional Electrician to carry out additional tests per day to complete the backlog. We have also introduced a 5-year plan for the

testing of all properties.

Fire Safety

28. Fire risk assessments are carried out on all communal areas in sheltered housing and apartment blocks. The purpose of the assessment is to ensure that adequate and appropriate fire safety measures are in place to minimise the risk of injury or loss of life in the event of a fire. Risk assessments include:
 - (a) *How a fire could start* – the condition of gas and electrical appliances, heaters and the general condition of the building.
 - (b) *People affected by a fire* – any tenants who may require assistance to evacuate the building.
 - (c) *Evacuation plans in place* – ensuring fire alarms have been tested, exits and corridors are free from obstruction and the correct fire signage is in place.
29. Fire risk assessments are carried out by Building Services staff at least every 3 years. In apartment blocks tenancy management carry out a review every 12 months or following a change to the building or in the event of an incident or near miss.
30. Regular testing and servicing is also in place for fire detection and warning equipment, emergency lighting and fire-fighting equipment. The compliance meetings will ensure fire risk assessments have been completed when due and address any issues reported.
31. Specialist fire inspectors (the private arm of the Durham Fire and Rescue service) provide the regulatory reform audits for the extra care and sheltered housing schemes and this is in recognition of the greater risks they present. All documents received are reviewed by a qualified risk assessor.
32. In 2020-21, 73 fire risk assessments were due to be reviewed for apartment blocks and 9 for Sheltered. All of these risk assessments reviews have been completed, but there were some delays, the main reasons being:
 - (a) Access issues due to Covid restrictions
 - (b) Some of our tenants were shielding
 - (c) Our contractors were unable to operate due to lockdowns.

Gas Safety

33. All gas systems and equipment are properly specified, designed by qualified staff and installed by Gas Safe Engineers. By law, all gas appliances including gas boilers in tenant's homes are serviced at least every 12 months by a qualified Gas Safe engineer. Once completed, the tenant is provided with a Landlord's Gas Safety Certificate.
34. Compliance with gas servicing is monitored through a performance indicator (HBS072 – the percentage of Council dwelling without a gas service within 12 months of the last service date) and reported to Members on a quarterly basis.
35. Unvented Cylinders are serviced annually. To guarantee future access, they are now linked to the gas boiler service or air source heat pump service and this consists of; inspection to

see the system conforms to the building regulations, cylinder condition, temperature controls, pressure controls, relief valves operation and testing other safety devices.

36. The compliance meetings will ensure gas services have been completed within 12 months and address any issues reported.
37. In 2020-21, 4,518 Council properties were due for their annual gas service and all of these have been completed. 308 gas services (6.8%) were completed out of the 12 month compliance period. Normally, the number of properties where a gas service is completed outside of the compliance period would be less than 1%. Typically, these would be cases where an appointment could not be arranged with the tenant and in some cases a court order has to be obtained to gain access to the property.
38. For 2020-21, most of the gas servicing completed out of the compliance period was during the first quarter and the main reasons for non-compliance were:
 - (a) The first Covid lockdown delayed the start of gas servicing as we awaited clearer Government guidance
 - (b) Some of our tenants were shielding
 - (c) Court dates were postponed, so we were unable to obtain court orders to enter a tenant's property where they had failed to make an appointment
 - (d) We had a reduced workforce as some of the operatives were having to self-isolate.
39. For Sheltered accommodation, extra care schemes and Community Centres, all 16 buildings are currently within the service date. Sheltered accommodation and extra care schemes display the latest safety check/service certification in common areas of buildings where the gas appliance serves a communal heating system to multiple homes.

Water Safety (Legionella)

40. Risk assessments are carried out on the water systems for all communal areas in sheltered housing by a suitably qualified member of staff. A separate policy for the Control of Legionella Bacteria in Council premises sets out the responsibilities and arrangements for managing Legionella risks.
41. The Council must ensure that the health risk from Legionella bacteria in Council premises is assessed, managed and controlled in order to protect employees and residents who may be affected by its undertaking. Risk assessments will include:
 - (a) The identification and assessment of the risks of Legionella,
 - (b) How the use of systems that give rise to a reasonably foreseeable risk of Legionella can be avoided or the risk minimised, and
 - (c) The implementation and management of a scheme of precautions to manage any risks.
42. The compliance meetings will ensure Legionella risk assessments have been completed when due and address any issues reported.
43. In 2020-21, visits to the sheltered schemes were suspended due to Covid and didn't recommence until November 2020. During this time, Lifeline staff undertook weekly

housekeeping visits and flushed all outlets. As a result, the completion rate for all sheltered scheme visits in 2020-21 was 98%.

Recommendations

44. It is recommended that regular updates are provided to Members through this Scrutiny Committee to ensure appropriate oversight and monitoring of health and safety arrangements for Council housing that meet the RSH's standards.