



ASBESTOS POLICY

HOUSING

Date of policy	April 2021
Date for review	April 2024
Policy author	Executive Operations Director, Pennington Choices
Policy owner	Director of Housing and Operations, Folkestone & Hythe District Council
Approved by	
Risk register rating	High
Associated documents	FHDC Asbestos procedure

Revision history			
Version	Date	Revision description	Policy author
V1.0	March 2020	Document created	Lee Woods (Pennington Choices)
V2.0	March 2021	Re-branding; update of key roles and responsibilities in line with FHDC reporting structure	John Holman, Assistant Director (Housing); Jonathan Hicks, Policy & Performance Specialist

NEW POLICY / POLICY REVIEW	
New policy	YES
Early review – change in legislation	

Early review – significant changes in practice	
Review due – significant changes	
Review due – cosmetic changes or unchanged	
Other reason	

Reason for new policy / summary of changes

To ensure the accountability for managing this policy reflects the current structure and designated roles within the Housing Service

CONSULTATION

List of people/roles who have been consulted	Date
David Griffiths, East Kent Audit partnership	December 2020
Roy Catling, Assets & Development Lead Specialist	March 2021
Corporate Leadership Team	April 2021

EQUALITY IMPACT ASSESSMENT	Completed	Date
	Yes	22 April 2021

DISSEMINATION

Role	Awareness	Essential

TRAINING

Role	Trainer	Date completed

MONITORING AND COMPLIANCE

Method	Responsibility	Frequency

1. Purpose of the Policy

- 1.1 The purpose of this policy is to ensure Folkestone & Hythe District Council (hereafter referred to as 'the Council') administers its duty to manage asbestos in its homes and buildings, and that this is done in accordance with The Control of Asbestos Regulations (CAR) 2012.
- 1.2 Breathing in air containing asbestos fibres can lead to asbestos-related diseases, mainly cancer of the lungs and chest lining. Asbestos is only a risk to health if asbestos fibres are released into the air and breathed in. Past exposure to asbestos currently kills around 5,000 people a year in Great Britain.
- 1.3 There is usually a long delay between first exposure to asbestos and the onset of the disease (15-60 years). Only by preventing or minimising these exposures now can asbestos-related disease eventually be reduced.
- 1.4 Any Council home or building built or refurbished before the year 2000 may contain asbestos. As long as the asbestos-containing material (ACM) is in good condition and is not going to be disturbed or damaged, there is negligible risk. However, if it is disturbed or damaged it can become a danger to health, because people may breathe in any asbestos fibres released into the air.
- 1.5 Workers who carry out repairs and maintenance work are at particular risk. If asbestos is present and can readily be disturbed, is in poor condition and not managed properly, others who may be occupying the homes or buildings could also be put at risk.
- 1.6 The Council is responsible for the maintenance and repairs to homes, non-domestic (communal blocks) and 'other' properties (e.g. offices, commercial buildings, depots, etc.), many of which will have been constructed using asbestos-containing materials.

2. Policy Objectives and Scope

- 2.1 Folkestone must establish a policy which meets the requirements of The Control of Asbestos Regulations (CAR) 2012, which came into force on 6th April 2012. The policy must provide assurance to the Council that measures are in place to identify, manage and/or mitigate risks associated with asbestos.
- 2.2 In addition, the Council must establish an Asbestos Management Plan (AMP), which outlines key information on roles and responsibilities, and the management of information, works, and ACMs.
- 2.3 The Council must also ensure that compliance with asbestos is formally reported to Cabinet, including the details of any non-compliance and planned corrective actions.
- 2.4 The policy is relevant to all Council employees, tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services.

- 2.5 It should be used by all to ensure they understand the obligations placed upon the Council to maintain a safe environment for tenants and employees within the homes of each tenant, and within all communal areas of buildings and 'other' properties (owned and managed).

3. Legal/Regulatory Framework

- 3.1 **Regulatory Standards** - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England, which was introduced by the Regulator of Social Housing (RSH).

- 3.2 **Legislation** - the principal legislation applicable to this policy is The Control of Asbestos Regulations (CAR) 2012, which came into force on 6th April 2012. The Council has a legal obligation under Part 2, Section 4 of the legislation (Duty to manage asbestos in non-domestic properties) and is the 'Duty Holder' for the purposes of the legislation.

The Council is the 'duty holder' by virtue of the fact that it owns and manages homes and buildings, housing tenants and leaseholders through the tenancy and lease agreement obligations it has.

- 3.3 **Approved Codes of Practice and Guidance** – the principal approved codes of practice and guidance (as updated) applicable to this policy are:

- **ACoP L143** - 'Managing and working with Asbestos' (Second edition December 2013)
- **HSG264** - 'Asbestos: The survey guide' (Second edition 2012, this holds ACoP status)
- **HSG248** – 'Asbestos: The analysts guide for sampling, analysis and clearance procedures' (First edition 2006)
- **HSG247** - 'Asbestos: The licensed contractors' guide' (First edition 2006)
- **HSG227** - 'A comprehensive guide to managing asbestos in premises' (First edition 2002)
- **HSG210** - 'Asbestos Essentials – A task manual for building, maintenance and allied trades and non-licensed asbestos work' (Fourth edition 2018)

3.4 Sanctions

The Council acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation, and approved codes of practice, and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health and Safety Executive under the Health and Safety at Work Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and via a serious detriment judgement from the Regulator of Social Housing (RSH).

3.5 Tenants and HRA Commercial Leaseholders

The Council will use the legal remedies available within the terms of the tenancy and lease agreement should any tenant, leaseholder or shared owner refuse access to carry out essential asbestos related inspection and remediation works.

3.6 Additional Legislation

This asbestos policy also operates in the context of the following additional legislation:

- Health and Safety at Work Act 1974
- The Management of Health and Safety at Work Regulations 1999
- The Workplace (Health Safety and Welfare) Regulations 1992
- Personal Protective Equipment at Work Regulations 1992
- Hazardous Waste (England and Wales) Regulations 2005 (Amendment 2009)
- Control of Substances Hazardous to Health (COSHH) Regulations (as amended) 2002
- Construction (Design and Management) Regulations 2015
- Defective Premises Act 1972
- Landlord and Tenant Act 1985
- Data Protection Act 2018
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013
- Homes (Fitness for Human Habitation) Act 2018
- The Asbestos (Licensing) (Amendment) Regulations 1998

4. Responsibility

- 4.1 The Council's Cabinet will have overall governance responsibility for ensuring the asbestos policy is fully implemented to ensure full compliance with the regulatory standards, legislation and approved codes of practice. The Council's Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in regulation, legislation or codes of practice).
- 4.2 The Council's Cabinet will receive reports in respect of asbestos management performance and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 4.3 The Council's Director of Housing and Operations has strategic responsibility for the management of asbestos and ensuring compliance is achieved and maintained. The Director will oversee the implementation of the Asbestos Policy.

- 4.4 The Council's Director of Housing and Operations will be responsible for overseeing the delivery of the agreed survey inspection programmes and the prioritisation and implementation of any works arising from the surveys.
- 4.4 The housing teams will provide key support in gaining access into properties where access is proving difficult and use standard methods to do so. They will also facilitate the legal process to gain access as necessary.
- 4.5 The Council's Director of Housing and Operations will be responsible for ensuring the policy is reviewed every two years, and will notify The Council's Corporate Leadership Team and operational team responsible for the delivery of the compliance programme, of the upcoming review.

4.6 Competent Persons

- 4.6.1 The Council will ensure that the manager with lead responsibility for operational delivery is suitably qualified and experienced, holding one of the following as a minimum:
- P405 qualification;
 - Level 4 qualification in a related subject such as Level 4 VRQ Diploma in Asset and Building Management Compliance.
- 4.6.2 The most appropriate qualification will be obtained within 12 months of the approval of this policy, or within 12 months of the start of employment for any new operational leads, where the employee does not already hold it.
- 4.6.3 The Council will ensure that competent contractors (as per HSG264) are procured and appointed to deliver asbestos management surveys.
- 4.6.4 The Council will ensure that competent licensed asbestos removal contractors are appointed for all notifiable non-licensed work or licensed works.
- 4.6.5 The operational team with responsibility for delivery will check the relevant qualifications of employees working for these contractors on an annual basis and evidence this appropriately.

The Policy

5. Obligations

- 5.1 The duty to manage asbestos is included in The Control of Asbestos Regulations (CAR) 2012. The duty requires The Council to manage the risk from asbestos by finding out if there is asbestos present and identifying its location and condition.
- 5.2 The Council has an obligation to do this, in the homes and buildings owned and managed by the Council (or assessing if asbestos-containing materials are liable to be present and making a presumption that materials contain asbestos, unless the Council has strong evidence that they do not).
- 5.2 The Council must also identify its location and identify what condition it is in. If the home or building was built prior to the year 2000 the Council will assume asbestos is present. If the home or building was built after the year 2000 asbestos is unlikely to be present and no further action will be required.
- 5.3 The Council must make and keep an up-to-date record (referred to as the 'asbestos register') of the location and condition of the asbestos-containing materials or presumed asbestos-containing materials in the homes and buildings owned and managed by the Council, and:
 - Assess the risk from the asbestos-containing materials found.
 - Prepare an Asbestos Management Plan that sets out in detail how the Council is going to manage the risk from the asbestos-containing materials, and taking the steps needed to put the asbestos management plan into action.
- 5.4 The Council must also review and monitor the asbestos management plan and the arrangements made to put it in place; and set up a system for providing information on the location and condition of the asbestos-containing materials to anyone who is liable to work on or disturb these materials.
- 5.5 Anyone who has information on the whereabouts of asbestos in homes and buildings is required to make this available to the Council as the 'duty holder', but the Council then has to assess its reliability.

6. Statement of Intent

- 6.1 The Council recognises that the main hazard in relation to asbestos is the non-identification of ACMs, and as such will protect those persons potentially exposed to asbestos as far as is reasonably practical by minimising the exposure through the use of appropriate control measures and working methods.

- 6.2 The Council accepts that asbestos is likely to be present in the majority of its properties built prior to the year 2000 and will therefore manage these properties accordingly.
- 6.3 In order to fully comply with the legislation The Council will have a Cabinet-approved Asbestos Policy. In addition the Council will have an Asbestos Management Plan and develop an Asbestos Register which will hold records of the assets which have asbestos-containing materials in them.
- 6.4 The Council will hold accurate records against each property it owns or manages, identifying whether the property has had its initial asbestos management survey and when the next re-inspection is due.
- 6.5 Survey and re-inspection dates, details of ACMs and asbestos management survey reports will be held electronically.
- 6.6 The Council will employ competent external contractors (in line with HSG264) to undertake asbestos management surveys. Licensed asbestos removal operatives and/or contractors will be employed to carry out licensed remediation works (where necessary) to non-domestic (communal blocks/ 'other' properties) and domestic properties as outlined in section 8 of this policy.
- 6.7 The Council will employ suitably competent persons to undertake asbestos re-inspections and the removal of non-licensed asbestos.
- 6.8 The Council will also undertake an intrusive refurbishment and demolition (R&D) survey to domestic and non-domestic properties as and when required as per HSG264. This will also be in accordance with the criteria set out in the Council Asbestos Management Plan, which should be read in conjunction with this policy.
- 6.9 The Council considers good communication essential in the safe delivery of asbestos management and will therefore ensure that information about asbestos-containing materials (known or suspect) is provided to every person liable to disturb it, accidentally or during the course of the work. This includes employees and tenants.
- 6.10 The Council will ensure that all contractors' employee and public liability insurances are up to date on an annual basis.
- 6.11 The Council will ensure contracts/service level agreements are in place with the contractors responsible for delivering the compliance service.
- 6.12 The Council will ensure there are effective contract management arrangements in place, in the form of client-led meetings taking place regularly, with standard agendas and minutes produced, key performance indicators analysed and programmes and performance scrutinised.

- 6.13 The Council will provide leaseholders and tenants with an asbestos survey report on request.
- 6.14 The Council will provide tenants with information about asbestos via their website that will: tell them of possible asbestos-containing materials (ACMs) in their home, advise them what to do if they wish to carry out DIY or employ a contractor to undertake work, and advise them who to contact if ACMs are accidentally disturbed.
- 6.15 The Council will generally not use asbestos labelling in domestic premises, however, in non-domestic premises and common areas of domestic blocks, labelling will be used where practicable.
- 6.16 The Council will implement a robust process to deal with all changes to stock, including new property acquisitions, disposals and stock transfers, in order to ensure that properties are not omitted from the compliance programme, and to ensure the programme remains up-to-date.
- 6.17 The Council will ensure that there is a robust process in place for the management of immediately dangerous situations identified from any asbestos related works undertaken on The Council's properties.

7. Compliance Risk Assessment/Inspection Programmes

- 7.1 **Non-Domestic Stock** – The Council will review existing asbestos management survey information prior to carrying out any repairs or planned maintenance works which may involve working on, or adjacent to, any asbestos-containing materials within a non-domestic (communal block) or 'other' properties (e.g. offices, commercial shops, depots, etc.).
- 7.2 This is to ensure that any asbestos-containing materials likely to pose a risk are identified prior to works commencing and the details passed onto the relevant operatives or external contractors and managed in an appropriate way. Where required a new hybrid R&D/management survey will be commissioned prior to work commencing.
- 7.3 The Council will ensure that all non-domestic (communal blocks) and 'other' properties in ownership or management have an initial asbestos management survey carried out. All surveys comply with the CAR 2012 legislation and are therefore dated after 6th April 2012 when the legislation came into effect.
- 7.4 Thereafter all non-domestic (communal blocks) and 'other' properties will have a re-inspection survey and an assigned re-inspection date where applicable. This date will be in accordance with the specific needs of the building. It will either be annually or at a period dictated by the previous survey/re-inspection.

Re-inspection dates may change following the re-categorisation of a property or a building.

- 7.5 The Council will not need to re-inspect any non-domestic (communal blocks) or 'other' properties built after the year 2000, or where the initial asbestos management survey confirms that there are no asbestos-containing materials present.
- 7.6 **Domestic Stock** – The Council will review existing asbestos management survey information prior to carrying out any void repairs, day to day repairs, or planned maintenance works which may involve working on or adjacent to any asbestos-containing materials within a domestic property.
- 7.7 This is to ensure that any asbestos-containing materials likely to pose a risk are identified prior to works commencing, and the details passed onto the relevant operatives or external contractors and managed in an appropriate way.
- 7.8 Where there is no previous asbestos-related information in respect of a domestic property which requires an asbestos survey ahead of void repairs, day-to-day repairs or planned maintenance work, a survey will be undertaken and the scope of the survey agreed in accordance with the works due to be carried out. If the void only requires the standard safety checks (gas, electric and EPC) and there is no intrusive repair work, an asbestos survey is not required.
- 7.9 The Council will not need to re-inspect any domestic properties built after the year 2000, or where the initial asbestos management survey confirms that there are no asbestos-containing materials present.
- 7.10 **Refurbishment Work** – The Council will undertake an intrusive refurbishment and demolition (R&D) survey to domestic, non-domestic (communal blocks) and 'other' properties prior to planned maintenance works taking place to the areas of the property that are likely to be disturbed as part of the proposed works. This will be in accordance with the criteria set out in The Council's Asbestos Management Plan, which should be read in conjunction with this policy.
- 7.11 **Garages** – The Council will carry out asbestos management surveys on garages prior to any work being carried out.
- 7.12 **Commercial Stock Assigned to the HRA** – The Council will ensure they have records of an asbestos management survey where properties they own or manage are managed by people or organisations other than The Council and Hythe District Council (i.e. are managed by managing agents). These properties will also be included on the Council's asbestos programme, so an asbestos re-inspection survey can be requested from the managing agent prior to the existing one expiring. If the managing agent fails to carry out an initial

asbestos management survey or re-inspection survey, The Council will step in and carry out the test and re-charge the managing agent for the cost of this work.

8. Compliance Follow-up Work

- 8.1 The Council will ensure there is a robust process in place for the management of any follow-up works required following the completion of an asbestos management survey.
- 8.2 Where asbestos is positively identified and, as a result of a risk assessment (conducted in accordance with published guidance), removal, sealing or encapsulation is recommended, this will be carried out as follows:
 - Non-licensed works – as defined in regulation 2 of CAR 2012 – by specifically trained contractors with appropriate equipment and working procedures in place which are sufficient to comply with the CAR 2012;
 - Notifiable non-licensed works – as defined in regulation 2 of the CAR 2012 – by a licensed asbestos removal contractor (LARC) licensed by the Health and Safety Executive in compliance with the CAR 2012; or
 - Licensed works - as defined in regulation 2 of the CAR 2012 – by a LARC, licensed by the Health and Safety Executive in compliance with the CAR 2012.

Key controls and reporting

9. Asbestos Surveys

- 9.1 The Council will establish and maintain a programme of non-domestic (communal blocks) and 'other' property surveys and re-inspections, and an Asbestos Register of all the asbestos-containing materials by type, address, location and condition.
- 9.2 Survey and re-inspection dates, details of ACMs and asbestos management survey reports will be held electronically.
- 9.3 Spreadsheets will be used to record the details of all asbestos surveys undertaken on The Council's non-domestic (communal), domestic and other properties. This will include the date of the most recent survey and/or re-inspection where applicable.

9.4 The findings from the asbestos survey, including any ACMs and remediation works identified and subsequently completed (including evidence of removal and encapsulation) should also be recorded on the spreadsheets.

9.5 Appropriate asbestos information will be made available to all interested stakeholders as required.

10. Training

10.1 The Council will ensure that all operatives working for, or on behalf of, the organisation have the relevant training required for their role. This will be managed via periodic assessments of training needs and resulting programmes of internal and/or external training.

11. Performance Reporting

11.1 Robust key performance indicator (KPI) measures will be established and maintained to ensure the Council is able to report on performance in relation to asbestos.

11.2 KPI measures will be produced and provided at Corporate Leadership Team (CLT) and Cabinet as part of the reporting cycle; CLT level on a monthly basis and at the Council's Cabinet on a quarterly basis. As a minimum these KPI measures will include reporting on:

11.3 Data – the total number of:

- Properties – split by non-domestic properties (communal blocks) and 'other' properties;
- Properties on the asbestos management/re-inspection programme;
- Properties not on the asbestos management/re-inspection programme;
- Properties with a valid 'in date' survey/re-inspection. This is the level of compliance expressed as a number and a percentage;
- Properties where the survey/re-inspection has expired and is 'out of date'. This is the level of non-compliance expressed as a number and a percentage; and
- The percentage of domestic stock with full asbestos data.

11.4 Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective action; and
- Progress with completion of follow-up works.

- 11.5 In cases of a serious non-compliance issue The Council's Corporate Leadership Team and Monitoring Officer will consider whether it is necessary to disclose the issue to the Regulator of Social Housing in the spirit of co-regulation, or any other relevant organisation such as the HSE, as part of the Regulatory Framework.

12. Quality Assurance

- 12.1 The Council will require external contractors to provide the results of their own 5 per cent quality assurance audit checks, as required by UKAS, on a monthly basis.
- 12.2 The Council will commission an independent audit of asbestos at least once every two years. This audit will specifically test for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues for correction.

13. Non-Compliance/Escalation Process

- 13.1 The definition of non-compliance in relation to this policy refers to any incident which results in a potential breach of legislation or regulatory standard, or which causes or has the potential to cause a significant a risk to health or safety.
- 13.2 Any non-compliance issue identified at an operational level will be formally reported to The Council's Director of Housing and Operations as part of the monthly reporting cycle.
- 13.3 Where necessary The Council's Director of Housing and Operations will agree an appropriate course of corrective action with the relevant operational teams in order to address any non-compliance issue.
- 13.4 The Council's Director of Housing and Operations will ensure the Cabinet Member for Housing, Transport and Special Projects is made aware of any non-compliance issue.

14 Equality and Diversity

- 14.1 An Equality Impact Assessment has been carried out to determine whether the policy would have an impact on any member of staff, tenants or contractor workforce, which unfairly discriminates or disadvantages them in the context of the Equality Act 2010. Adherence to the policy provides the same level of protection for all building users and no impacts have been identified that would adversely affect one group more than any other.



ELECTRICAL SAFETY POLICY

HOUSING

Date of policy	April 2021
Date for review	April 2024
Policy author	Executive Operations Director, Pennington Choices
Policy owner	Director of Housing and Operations, Folkestone & Hythe District Council
Approved by	
Risk register rating	High
Associated documents	FHDC Electrical Safety procedure

Revision history			
Version	Date	Revision description	Policy author
V1.0	March 2020	Document created	Lee Woods (Pennington Choices)
V2.0	March 2021	Re-branding; update of key roles and responsibilities in line with FHDC reporting structure	John Holman, Assistant Director (Housing); Jonathan Hicks, Policy & Performance Specialist

NEW POLICY / POLICY REVIEW	
New policy	YES
Early review – change in legislation	
Early review – significant changes in practice	

Review due – significant changes	
Review due – cosmetic changes or unchanged	
Other reason	

Reason for new policy / summary of changes

To ensure the accountability for managing this policy reflects the current structure and designated roles within the Housing Service

CONSULTATION

List of people/roles who have been consulted	Date
David Griffiths, East Kent Audit partnership	December 2020
Roy Catling, Assets & Development Lead Specialist	March 2021
Corporate Leadership Team	April 2021

EQUALITY IMPACT ASSESSMENT	Completed	Date
	Yes	28 April 2021

DISSEMINATION

Role	Awareness	Essential

TRAINING

Role	Trainer	Date completed

MONITORING AND COMPLIANCE

Method	Responsibility	Frequency

1. Purpose of the Policy

- 1.1 Although the UK has a fairly good record on electrical safety, there are still over 30 deaths and nearly 4,000 injuries from electrical accidents that occur in the home each year. A large number are related to electrical maintenance or DIY activities. The major dangers to health from electrical accidents are from shock, burns, electrical explosion or arcing, fire, and mechanical movements initiated by electricity.
- 1.2 Folkestone & Hythe District Council (hereafter referred to as the Council) is responsible for the maintenance and repairs to its homes and other buildings, all of which will contain electrical installations and appliances. The Landlord and Tenant Act 1985 and the Housing Act 2004 place duties on landlords to ensure that these electrical installations are safe at the start of any tenancy and are maintained in a safe condition throughout the tenancy.
- 1.3 The Council is also responsible for maintaining electrical installations and equipment in non-domestic (communal blocks) and 'other' properties (offices, commercial shops, depots, etc.) under the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 2016.

2. Policy Objectives and Scope

- 2.1 The Council must establish a policy which meets the requirements for electrical safety under the Landlord and Tenant Act 1985, the Housing Act 2004, the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 2016. In addition to this the policy must provide assurance to The Council that measures are in place to ensure compliance with these regulations and to identify, manage and/or mitigate risks associated with electrical installations and electrical portable appliances.
- 2.2 The Council must ensure compliance with electrical safety legislation is formally reported to The Council's Cabinet including the details of any non-compliance.
- 2.3 The policy is relevant to all Council employees, tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services.
- 2.4 It should be used by all to ensure they understand the obligations placed upon the Council to maintain a safe environment for tenants and employees within the homes of each tenant, and within all communal areas of buildings and 'other' properties (owned and managed).

3. Legal/Regulatory Framework

- 3.1 **Regulatory Standards** - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England, which was introduced by the Regulator of Social Housing (RSH).
- 3.2 **Legislation** - the principal legislation applicable to this policy is the Landlord and Tenant Act 1985; the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 2016. Section 8 of the Landlord and Tenant Act 1985 sets out implied terms as to fitness for human habitation, and Section 11 of the Landlord and Tenant Act 1985 places repairing obligations in short leases.
- 3.3 The Electricity at Work Regulations 1989 places duties on employers to ensure that all electrical equipment used within the workplace is safe to use. The Electrical Equipment (Safety) Regulations 2016 requires Landlords to ensure that any appliances provided as part of a tenancy are safe when first supplied.
- 3.4 The Council is the 'Landlord' by virtue of the fact that it owns and manages homes and buildings housing tenants/leaseholders through the tenancy, lease and licence agreement obligations it has with the tenants/leaseholders.
- 3.5 **Code of Practice** – the principal approved codes of practice applicable to this policy are:
- IET Wiring Regulations British Standard 7671: 2018 (18th edition)
 - The Code of Practice for In-Service Inspection and Testing of Electrical Equipment (ISITEE) 2012 (4th edition)
 - HSE INDG236: 'Maintaining portable electrical equipment in low risk environments' (as amended 2013)
 - Electrical Safety Council: 'Landlords' Guide to Electrical Safety 2009'
 - Code of Practice for the Management of Electro-technical Care in Social Housing (January 2019)
- 3.6 **Sanctions** – The Council acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and approved codes of practice and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health and Safety Executive under the Health and Safety at Work Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and via a serious detriment judgement from the Regulator of Social Housing.
- 3.7 **Tenants and HRA Commercial Stock** – The Council will use the legal remedies available within the terms of the tenancy agreement, lease or licence should any tenant or HRA commercial stock leaseholder refuse access to carry out essential electrical safety checks, maintenance and safety-related repair works.

3.8 Additional Legislation

This Electrical Safety Policy also operates in the context of the following additional legislation:

- Health and Safety at Work Act 1974
- The Management of Health and Safety at Work Regulations 1999
- The Workplace (Health Safety and Welfare) Regulations 1992
- Management of Houses in Multiple Occupation (England) Regulations 2006
- Housing (Scotland) Act 2006
- Regulatory Reform (Fire Safety) Order 2005
- The Building Regulations for England and Wales (Part P)
- The Housing Act 2004
- The Occupiers' Liability Act 1984
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Provision and Use of Work Equipment Regulations 1998
- Construction, Design and Management Regulations 2015
- Data Protection Act 2018
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013
- Homes (Fitness for Human Habitation) Act 2018

4. Responsibility

- 4.1 The Council's Cabinet will have overall governance responsibility for ensuring the Electrical Safety Policy is fully implemented to ensure full compliance with the regulatory standards, legislation and approved codes of practice. The Council's Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in regulation, legislation or codes of practice).
- 4.2 The Council's Director of Housing and Operations has strategic responsibility for the management of electrical safety and for ensuring compliance is achieved and maintained. The Director will also oversee the implementation of the Electrical Safety Policy.
- 4.3 The Council's Director of Housing and Operations will be responsible for overseeing the delivery of the agreed electrical safety programme, and the prioritisation and implementation of any works arising from the electrical safety inspections.
- 4.4 The housing teams will provide key support in gaining access into properties where access is proving difficult, and use standard methods to do so. They will also facilitate the legal process to gain access as necessary.
- 4.5 The Council's Director of Housing and Operations will be responsible for ensuring the policy is reviewed every two years, and will notify the Corporate Leadership Team and relevant operational team(s) responsible for the delivery

of the compliance programme, of the upcoming review. The Director will ensure that this review process takes place before the policy expires.

4.6 Competent Persons

4.6.1 The Council will ensure that the manager with lead responsibility for operational delivery is appropriately qualified, holding one of the following as a minimum:

- Level 4 VRQ in Electrical Safety Management (or equivalent);
- A minimum of a level 4 qualification in a related subject such as Level 4 VRQ Diploma in Asset and Building Management Compliance.

4.6.2 The most appropriate qualification will be obtained within 12 months of the approval of this policy, or within 12 months of the start of employment for any new operational leads, where the employee does not already hold it.

4.6.3 The Council will ensure that the manager with lead responsibility for operational delivery maintains/gains Approved Electrical Contractor Accreditation with the National Inspection Council for Electrical Inspection Contracting (NICEIC) or equivalent for all areas of electrical inspection, testing, installation and repair works that they undertake.

4.6.4 The operational team with responsibility for delivery will check the relevant accreditations for the work that contractors and operatives are carrying out. These checks will be undertaken on an annual basis and evidenced appropriately.

The Policy

5. Obligations

5.1 The Landlord and Tenant Act 1985 places duties on landlords to ensure that electrical installations in rented properties are:

- Safe when a tenancy begins, Section 8 (1a)
- Maintained in a safe condition throughout the tenancy, Section 11 (1b)

5.2 In order to be compliant under these duties electrical installations are required to be periodically inspected and tested. The intervals between inspections are not absolutely set within any regulations, however, best practice guidance from the Electrical Safety Council and from BS7671:2018 states that electrical installations should be tested at intervals of no longer than 5 years from the previous inspection.

5.3 Any deviation from these intervals should be at the recommendation of a competent NICEIC qualified (or equivalent) person and should be backed up by sound engineering evidence to support the recommendation.

- 5.4 All electrical installations should be inspected and tested prior to the commencement of any new tenancies (void properties or new builds), mutual exchanges and transfers, and a satisfactory Electrical Installation Condition Report (EICR) should be issued to the tenant prior to them moving in.
- 5.5 The Electricity at Work Regulations 1989 places duties on employers that all electrical installations and appliances within the workplace are safe and that only competent persons work on the electrical installations, systems and equipment (Section 16).
- 5.6 The Electrical Equipment (Safety) Regulations 2016 requires Landlords to ensure that any electrical appliances provided as part of a tenancy are safe when first supplied.

6. Statement of Intent

- 6.1 The Council acknowledges and accepts its responsibilities with regard to electrical safety under the Landlord and Tenant Act 1985, the Housing Act 2004, the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 2016.
- 6.2 The Council will hold accurate records against each property it owns or manages, identifying when the electrical installation was last inspected and tested.
- 6.3 Inspection and re-inspection dates, along with EICR records, will be held electronically. A safety inspection will be undertaken sooner than the stated period if recommended by the competent person.
- 6.4 The Council will ensure that all electrical installations shall be in a satisfactory condition following completion of an electrical installation inspection and test.
- 6.5 The Council will ensure that a full electrical installation inspection retest is undertaken in the case of a change of occupancy (void properties, mutual exchanges and transfers) for all properties. This test will take place as near to the date at which the new tenancy commences.
- 6.6 The Council will ensure that only suitably competent NICEIC electrical contractors and engineers (or equivalent) undertake electrical works for the organisation.
- 6.7 The Council will carry out electrical installation inspection and tests and issue new satisfactory EICRs when completing planned component replacement works within domestic properties.

- 6.8 The Council will have a robust process in place to gain access should any tenant or leaseholder refuse access to carry out essential electrical safety related inspection and remediation works.
- 6.9 The Council will have a robust process in place to gain access to properties where tenant vulnerability issues are known or identified, whilst ensuring the organisation can gain timely access to any property in order to be compliant with this policy and safeguard the wellbeing of the tenant.
- 6.10 The Council will have a robust process in place to actively communicate with tenants in relation to electrical safety.
- 6.11 The Council will ensure that robust processes and controls are in place to manage the completion of follow up works identified during inspection and testing of electrical installations.
- 6.12 The Council will ensure that all contractors' employee and public liabilities are up to date on an annual basis.
- 6.13 The Council will ensure contracts/service level agreements are in place with the contractors responsible for delivering the compliance service.
- 6.14 The Council will ensure there are effective contract management arrangements in place, in the form of client-led meetings taking place regularly, with standard agendas and minutes produced, key performance indicators analysed and programmes and performance scrutinised.
- 6.15 The Council will ensure that measures are in place to identify, manage and/or mitigate risks related to portable electrical appliances in any properties where The Council is responsible for these. This will be achieved through annual PAT testing (unless otherwise specified within manufacturers' recommendations).
- 6.16 The Council will ensure that there is a robust process in place for the management of immediately dangerous situations identified from the electrical safety check.
- 6.17 The Council will implement a robust process to deal with all changes to stock, including new property acquisitions, disposals and stock transfers, in order to ensure that properties are not omitted from the compliance programme, and to ensure the programme remains up-to-date.

7. Compliance Risk Assessment/Inspection Programmes

- 7.1 **Risk assessment** – The Council will establish and maintain a risk assessment for electrical safety management and operations. This risk assessment will set out the organisation's key electrical safety risks together with appropriate mitigations.
- 7.2 **CDM** - to comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM) a Construction Phase Plan will be completed for all repairs work to void and tenanted properties (at the start of the contract and annually thereafter), component replacement and refurbishment works where applicable.
- 7.3 **Domestic properties** – The Council will carry out a programme of electrical installation inspection and testing to all domestic properties. This inspection and test will be carried out at intervals of no less than five years (unless the competent person recommends the next test must be done sooner than this) and will include the issuing of a new satisfactory EICR. This inspection and test is driven from the anniversary date of the most recent EICR, which may have been carried out at the start of a new tenancy or following planned component replacement works.
- 7.4 **Communal Blocks and 'Other' properties** – The Council will carry out a programme of electrical installation inspection and testing to all 'communal blocks' and 'other' properties (shops, offices, depots, etc.), where there is a landlord's electrical installation (and the Council has the legal obligation to do so). This inspection and test will be carried out at intervals of no more than five years (unless the competent person recommends the next test must be done sooner than this) and will include the issuing of a new satisfactory EICR.
- 7.5 This inspection and test is driven from the anniversary date of the most recent EICR which may have been carried out following planned component replacement works. The five year inspection period will commence following a catch up programme, which is due to be completed within the timescales outlined within the EKH Recovery Plan.
- 7.6 **Commercial Stock Assigned to the HRA** – The Council will ensure it has records of a valid EICR where properties it owns or manages are managed by people or organisations other than the Council (i.e. are managed by managing agents). These properties will be included on the Council's electrical inspection and testing programme, so a new EICR can be requested from the managing agent prior to the existing one expiring. If the managing agent fails to carry out the electrical inspection and test, the Council will step in and carry out the test and re-charge the managing agent for the cost of this work.

8. Compliance Follow up Work

- 8.1 The Council will ensure there is a robust process in place for the management of any follow-up works required following the completion of a periodic inspection and test of an electrical installation.
- 8.2 The Council will ensure there is a robust process in place to collate and store all EICRs and associated records and certification of completed remedial works.
- 8.3 The Council will, as a minimum, make safe and/or where possible endeavour to repair all code 1 and code 2 defects identified by a periodic electrical installation inspection and test before leaving site after completing the inspection and testing works.
- 8.4 Any C2 works which cannot be completed at the time of the inspection and test will be completed within 10 working days and an EICR will be issued stating that the installation is in a satisfactory condition. Code 3 and F1 type works will be referred back to The Council's programme manager for a decision.

9. Key controls and reporting

- 9.1 The Council will hold accurate records against each property it owns or manages, identifying when the electrical installation was last inspected and tested.
- 9.2 Inspection and re-inspection dates, along with EICR records will be held electronically.
- 9.3 The Council will establish and maintain accurate records of all completed EICRs, Minor Electrical Works Certificates (MEW) and Building Regulation Part P notifications associated with remedial works from these reports, and Electrical Installation Certificates, and keep these as per the organisation's Data Retention Policy. Remedial works will be managed through an Excel Spreadsheet.
- 9.4 The Council will hold and maintain accurate records on the qualifications of all engineers undertaking electrical safety works for the organisation.
- 9.5 The Council will ensure robust processes and controls are in place to provide and maintain appropriate levels of security for all electrical safety related data.

10. Performance Reporting

- 10.1 Robust key performance indicator (KPI) measures will be established and maintained to ensure The Council is able to report on performance in relation to electrical safety.

10.2 KPI measures will be produced and provided at Corporate Leadership Team and Cabinet as part of the reporting cycle. As a minimum these KPI measures will include reporting on:

10.2.1 Data – the total number of:

- Properties – split by domestic properties, communal blocks and ‘other’ properties;
- Properties on the electrical inspection and testing programme;
- Properties not on the electrical inspection and testing programme;
- Properties with a valid ‘in date’ EICR (in line with a 5 year re-inspection period). This is the level of compliance expressed as a number and a percentage;
- Properties with a valid ‘in date’ EICR (in line with a 5 year re-inspection period). This is the level of compliance expressed as a number and a percentage;
- Properties where the EICR has expired and is ‘out of date’ (according to a 5 year re-inspection period). This is the level of non-compliance expressed as a number and a percentage; and
- Properties where the EICR has expired and is ‘out of date’ (according to a 5 year re-inspection period). This is the level of non-compliance expressed as a number and a percentage.

10.2.2 Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective action; and
- Progress with completion of follow-up works.

11. Quality Assurance

11.1 The Council will carry out 100 per cent desktop audits on the documentation produced by the external contractor delivering the inspection and testing programme.

11.2 The Council will appoint a third party independent auditor to undertake quality assurance audits on a minimum 5 per cent sample of electrical works and supporting documentation. This sample will increase if issues are identified within the initial 5 per cent sample.

- 11.3 The Council will carry out an independent audit of electrical safety at least once every two years. This audit will specifically test for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues for correction.

12. Non-Compliance/Escalation Process

- 12.1 The definition of non-compliance in relation to this policy refers to any incident which results in a potential breach of legislation or regulatory standard, or which causes or has the potential to cause a significant a risk to health or safety.
- 12.2 Any non-compliance issue identified at an operational level will be formally reported to The Council's Director of Housing and Operations as part of the monthly reporting cycle.
- 12.3 Where necessary The Director of Housing and Operations will agree an appropriate course of corrective action with the relevant operational team(s) in order to address the non-compliance issue.
- 12.4 The Director of Housing and Operations will ensure the Cabinet Member for Housing, Transport and Special Projects is made aware of any non-compliance issue.
- 12.5 In cases of a serious non-compliance issue The Council's Corporate Leadership Team and Monitoring Officer will consider whether it is necessary to disclose the issue to the Regulator of Social Housing in the spirit of co-regulation, or any other relevant organisation such as the HSE, as part of the Regulatory Framework.

13. Training

- 13.1 The Council will ensure that all operatives working for, or on behalf of, the organisation have the relevant training required for their role. This will be managed via periodic assessments of training needs and resulting programmes of internal and/or external training.

14 Equality and Diversity

- 14.1 An Equality Impact Assessment has been carried out to determine whether the policy would have an impact on any member of staff, tenants or contractor workforce, which unfairly discriminates or disadvantages them in the context of the Equality Act 2010. Adherence to the policy provides the same level of protection for all building users and no impacts have been identified that would adversely affect one group more than any other.



FIRE SAFETY POLICY

HOUSING

Date of policy	April 2021
Date for review	April 2024
Policy author	Executive Operations Director, Pennington Choices
Policy owner	Director of Housing and Operations, Folkestone & Hythe District Council
Approved by	
Risk register rating	High
Associated documents	FHDC Fire Safety procedure

Revision history			
Version	Date	Revision description	Policy author
V1.0	March 2020	Document created	Lee Woods (Pennington Choices)
V2.0	March 2021	Re-branding; update of key roles and responsibilities in line with FHDC reporting structure	John Holman, Assistant Director (Housing); Jonathan Hicks, Policy & Performance Specialist

NEW POLICY / POLICY REVIEW	
New policy	YES
Early review – change in legislation	
Early review – significant changes in practice	

Review due – significant changes	
Review due – cosmetic changes or unchanged	
Other reason	

Reason for new policy / summary of changes

To ensure the accountability for managing this policy reflects the current structure and designated roles within the Housing Service

CONSULTATION

List of people/roles who have been consulted	Date
David Griffiths, East Kent Audit partnership	December 2020
Roy Catling, Assets & Development Lead Specialist	March 2021
Corporate Leadership Team	April 2021

EQUALITY IMPACT ASSESSMENT

	Completed	Date
	Yes	28 April 2021

DISSEMINATION

Role	Awareness	Essential

TRAINING

Role	Trainer	Date completed

MONITORING AND COMPLIANCE

Method	Responsibility	Frequency

1. Purpose of the Policy

- 1.1 Residents of properties left unprotected against fire have a much higher than average chance of being injured or killed in their home. There were 268 fatalities recorded between May 2018 and June 2019 and the Fire and Rescue Services in England attended 182,491 fires in that same period (Home Office, Fire & Rescue incident statistics, England, year ending June 2019).
- 1.2 In addition to this there have been high profile fires in social housing high-rise blocks (most notably Lakanal House in 2009 and Grenfell Tower in 2017) which resulted in many tenants losing their lives.
- 1.3 Most fires are preventable. Those responsible for buildings to which the public have access can avoid them by taking responsibility for and adopting the right behaviours and procedures. In October 2006, the Regulatory Reform (Fire Safety) Order 2005 (FSO) came into force. This FSO places a duty on persons responsible for buildings to carry out risk assessments.
- 1.4 The purpose of this policy, therefore, is to ensure Folkestone and Hythe District Council (hereafter referred to as 'the Council') is aware of its duty to carry out fire risk assessments and implement adequate fire prevention measures to protect tenants in their homes.

2. Policy Objectives and Scope

- 2.1 The Council must establish a policy which meets the requirements of the Regulatory Reform (Fire Safety) Order 2005 (FSO), which came into force in October 2006. In addition to this, the policy must provide assurance to The Council that measures are in place to identify, manage and/or mitigate risks associated with fire.
- 2.2 The Council must also ensure that compliance with fire safety legislation is formally reported to the Council's Cabinet, including the details of any non-compliance.
- 2.3 The policy is relevant to all Council employees, tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services.
- 2.4 It should be used by all to ensure they understand the obligations placed upon the Council to maintain a safe environment for tenants and employees within the homes of each tenant, and within all communal areas of buildings and 'other' properties owned and managed (offices, commercial shops, depots, etc.).

3. Legal/Regulatory Framework

- 3.1 **Regulatory Standards** - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England, which was introduced by the Regulator of Social Housing (RSH) in April 2012.
- 3.2 **Legislation** - the principal legislation applicable to this policy is the Regulatory Reform (Fire Safety) Order 2005 (FSO), which came into force in October 2006. These regulations place a duty on The Council to take general fire precaution measures to ensure, as far as is reasonably practicable, the safety of the people on their premises and in the immediate vicinity.
- 3.3 The Council is the 'responsible person' for the purposes of the legislation by virtue of the fact that it owns and manages homes and buildings, housing tenants/leaseholders through the tenancy agreement and lease obligations.
- 3.4 **Guidance** – the relevant guidance documents applicable to this policy are:
- **LACORS - Housing - Fire Safety:** Guidance on fire safety provisions for certain types of existing housing
 - **Local Government Association:** Fire safety in purpose-built blocks of flats
 - **HHSRS Operating Guidance - Housing Act 2004:** Guidance about inspections and assessment of hazards given under Section 9
 - **HHSRS Operating Guidance – Housing Act 2004:** Addendum for the profile for the hazard of fire and in relation to cladding systems on high-rise residential buildings
 - **Ministry of Housing, Communities & Local Government (MHCLG):** Building safety advice for building owners, including fire doors (January 2020)
 - **Ministry of Housing, Communities & Local Government (MHCLG):** Advice for Building Owners of Multi-storey, Multi-occupied Residential Buildings (January 2020)
 - **National Fire Chief Council's Guidance (NFCC) - Fire Safety in Specialist Housing** – May 2017, covers sheltered schemes, supported schemes and extra-care schemes
 - **Practical Fire Safety Guidance for Existing Premises with Sleeping Accommodation 2018** – guidance for those with responsibility for ensuring fire safety in certain premises within sleeping accommodation in Scotland
 - **Building a Safer Future** - Independent Review of Building Regulations and Fire Safety: Final Report (May 2018)

3.5 **Interim Guidance** – the relevant documents of interim fire safety guidance applicable to this policy are as follows, although these documents are subject to change and should be reviewed regularly:

- **Building a Safer Future** - Proposals for reform of the building safety regulatory system: A consultation (June 2019)
- **The Regulatory Reform (Fire Safety) Order 2005**: Call for Evidence (July 2019)
- **Grenfell Tower Inquiry**: phase 1 report. Volume 1 – 4 (October 2019)

3.6 **Sanctions** – The Council acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and approved codes of practice, and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health and Safety Executive under the Health and Safety at Work Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007, prosecution by the Fire and Rescue Service under the FSO and via a serious detriment judgement from the Regulator of Social Housing.

3.7 **Tenants** – The Council will use the legal remedies available within the terms of the tenancy agreement should any tenant refuse access to carry out essential fire safety related inspection and remediation works.

3.8 **HRA Commercial Stock** – The Council will use the legal remedies available within the terms of the lease agreement should any leaseholder or shared owner refuse permission and/or access to carry out essential fire safety related inspection and remediation works (as tested in the case Croydon Council v. Leaseholder, 1st August 2014).

3.9 **Additional Legislation**

This fire risk assessment policy also operates in the context of the following additional legislation:

- Housing Act 2004
- Health and Safety at Work Act 1974
- The Management of Health and Safety at Work Regulations 1999
- Management of Houses in Multiple Occupation (England) Regulations 2006
- Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006
- Gas Safety (Installation and Use) Regulations 1998
- The Furniture and Furnishings (Fire Safety) Regulations 1988
- The Health and Safety (Safety Signs and Signals) Regulations 1996
- The Building Regulations 2000: Approved Document B Fire Safety
- Electrical Equipment (Safety) Regulations 2016
- Construction (Design and Management) Regulations 2015
- Data Protection Act 2018

- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013
- Homes (Fitness for Human Habitation) Act 2018

4. Responsibility

- 4.1 The Council's Cabinet will have overall governance responsibility for ensuring the Fire Risk Assessment Policy is fully implemented to ensure full compliance with the regulatory standards, legislation and approved codes of practice. The Council's Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in regulation, legislation or codes of practice).
- 4.2 The Council's Cabinet will receive regular updates on the implementation of the Fire Risk Assessment Policy and fire safety performance along with notification of non-compliance.
- 4.3 The Council's Director of Housing and Operations has strategic responsibility for the management of fire safety and for ensuring compliance is achieved and maintained. The Director will also oversee the implementation of the Fire Risk Assessment Policy.
- 4.4 The Council's Director of Housing and Operations will be responsible for overseeing the delivery of the agreed fire risk assessment and re-assessment programmes, and the prioritisation and implementation of any works arising from the fire risk assessments. The Director is also responsible for overseeing the delivery of service, maintenance and repair programmes to all fire detection, alarms and fire-fighting equipment within property assets owned or managed by The Council.
- 4.5 The Corporate Leadership Team will receive reports in respect of fire safety management performance and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 4.6 The housing teams will provide key support in gaining access into properties where access is proving difficult and use standard methods to do so. They will also facilitate the legal process to gain access as necessary.
- 4.7 The Council's Director of Housing and Operations will be responsible for ensuring the policy is reviewed every two years, and will notify the Corporate Leadership Team and relevant operational team(s) responsible for the delivery of the compliance programme, of the upcoming review.

4.6 **Competent Persons**

- 4.6.1 The Council will ensure that the manager with lead responsibility for operational delivery is appropriately qualified and experienced, holding one of the following:
- NEBOSH National Certificate in Fire Safety and Risk Management;
 - Level 4 VRQ Diploma in Asset and Building Management Compliance.
- 4.6.2 The most appropriate qualification will be obtained within 12 months of the approval of this policy, or within 12 months of the start of employment for any new operational leads, where the employee does not already hold it.
- 4.6.3 The Council will ensure that only suitably competent fire risk assessors, certified by BAFE and on a UKAS accredited certification scheme that meets the competency criteria established by the Fire Risk Assessment Competency Council, are procured and appointed to undertake fire risk assessments.
- 4.6.4 The operational team with responsibility for delivery will check the relevant accreditations for the work that they are carrying out. These checks will be undertaken as part of the procurement process and/or on an annual basis thereafter and evidenced appropriately.
- 4.6.5 The Council will ensure that only suitably competent contractors and engineers, certified by a UKAS accredited certification scheme, are procured and appointed to undertake works to fire safety equipment, systems and installations.
- 4.6.6 The operational team with responsibility for delivery will check the relevant accreditations for the work that they are carrying out. These checks will be undertaken as part of the procurement process and/or on an annual basis and evidenced appropriately.

The Policy

5. Obligations

- 5.1 The responsible person must carry out a fire risk assessment (FRA) for the purpose of identifying the general fire precautions and other measures needed to comply with the Regulatory Reform (Fire Safety) Order 2005 (FSO).
- 5.2 Although under the FSO this requirement only applies to the common parts of premises, in practice the responsible person will need to take into account the entire premises - including, to some extent, the units of residential accommodation (known as a Type 3 FRA survey).
- 5.3 The responsible person must implement all necessary general fire precautions and any other measures identified by a fire risk assessment.
- 5.4 The responsible person must put in place a suitable system of maintenance and appoint competent persons to implement any procedures that have been adopted.
- 5.5 The responsible person must periodically review fire risk assessments in a timescale appropriate to the premises and/or occupation fire risk level. This timescale is determined by the fire risk assessor carrying out the fire risk assessment.

6. Statement of Intent

- 6.1 The Council acknowledges and accepts its responsibilities under the Regulatory Reform (Fire Safety) Order 2005 (FSO).
- 6.2 A stay safe evacuation strategy will be adopted across each of the Council property types unless otherwise stated within the recommendations of the competent fire risk assessor. The Council will also continue to engage with the Kent Fire and Rescue Service to regularly review this evacuation strategy.
- 6.3 The Council will hold accurate records against each property it owns or manages setting out the requirements for having a fire risk assessment in place.
- 6.4 FRA inspection and re-inspection dates, FRA surveys and FRA actions will be held electronically within Pyramid.
- 6.5 The Council will hold accurate records against each property it owns or manages setting out the requirements for servicing, maintenance and repair of fire prevention, detection and fire-fighting equipment.
- 6.6 These records will include fire alarm systems, emergency lighting, smoke/heat detectors, hose reels, dry and wet risers, auto window/door openers, fire

extinguishers, fire blankets, sprinkler systems and any other equipment relating to fire safety.

- 6.7 The Council will establish and manage programmes to deliver servicing and maintenance in accordance with all relevant British Standards and manufacturer's recommendations for all fire detection, prevention and fire-fighting systems and equipment within buildings owned or managed by the organisation.
- 6.8 The Council will ensure that each property requiring an FRA has a fire risk assessment in place that is PAS79 compliant (Publicly Available Specification) from the British Standards Institute (BSI) that has been carried out by a competent fire risk assessor.
- 6.9 The Council will ensure that all FRAs are reviewed no later than the review date set within the FRA, and that this review is carried out by a competent fire risk assessor.
- 6.10 The Council will ensure that the FRA to a building is reviewed following a fire, change in building use, change in working practices that may affect fire safety, following refurbishment works to the building or if required following an independent fire safety audit, and that this review is carried out by a competent fire risk assessor.
- 6.11 The Council will ensure that robust processes are in place to implement all mandatory fire precaution measures identified by FRAs.
- 6.12 The Council will ensure that robust processes are in place to record and action any 'near-miss' reports with regard to fire safety. A 'near-miss' is an unplanned event which does not result in an injury but had the potential to do so.
- 6.13 The Council will test all smoke alarms/CO alarms as part of the annual gas safety check visit (or at void stage) and replace them where necessary.
- 6.14 The Council will ensure that all disabled residents and/or employees within buildings requiring a fire risk assessment (i.e. sheltered housing schemes), will have a Personal Emergency Evacuation Plan (PEEP) and that this PEEP will be reviewed annually by a competent person. This will be kept in the Fire Safety Log held securely on site and made available to the fire service in the event of an evacuation.
- 6.15 Where the Council has been notified that a resident within a building requiring a fire risk assessment is storing oxygen in their home for medical use the organisation will ensure that they have a Personal Emergency Evacuation Plan (PEEP) in place and that this PEEP will be reviewed annually by a competent person.

- 6.16 The Council will have robust processes and controls in place to ensure that consideration is made when letting properties to the suitability of the accommodation for the prospective tenant with regards to fire safety.
- 6.17 The Council will refer all new tenancies and other tenants (via general information) to the Kent Fire and Rescue Service for a free home safety check (also known as 'Safe and well visits').
- 6.18 The Council will ensure that only suitably competent fire risk assessors and fire safety engineers appropriately certified under BAFE and UKAS accredited certification schemes undertake fire safety assessments or works for the organisation.
- 6.19 The Council will have a robust process in place to gain access should any tenant or leaseholder refuse access to carry out essential fire safety related inspection and remediation works.
- 6.20 The Council will have a robust process in place to gain access to properties where tenant vulnerability issues are known or identified, whilst ensuring the organisation can gain timely access to any property in order to be compliant with this policy and safeguard the wellbeing of the tenant.
- 6.21 The Council is committed to working with relevant Fire Services to create safer places to live and work. Joint working will include sharing information, the fire service reviewing risk assessments and providing training to The Council staff.
- 6.22 The Council will establish and maintain a plan of all continuous improvement activity undertaken with regards to fire safety.
- 6.23 The Council considers good communication essential in the safe delivery of fire safety and will therefore ensure that information about fire safety and fire prevention measures is available to residents and building users via information within welcome packs at the start of a tenancy and through routine communication with tenants in regards to fire safety.
- 6.24 The Council will ensure that a full version of the fire risk assessment will be made available to tenants upon request.
- 6.25 The Council will ensure that all contractors' employee and public liability insurances are up to date on an annual basis.
- 6.26 The Council will ensure contracts/service level agreements are in place with the contractors responsible for delivering the compliance service.
- 6.27 The Council will ensure there are effective contract management arrangements in place, in the form of client-led meetings taking place regularly, with standard agendas and minutes produced, key performance indicators analysed and programmes and performance scrutinised.

- 6.28 The Council will implement a robust process to deal with all changes to stock, including new property acquisitions, disposals and stock transfers, in order to ensure that properties are not omitted from the compliance programme, and to ensure the programme remains up-to-date.
- 6.29 The Council will ensure that there is a robust process in place for the management of immediately dangerous situations identified during the fire safety programme.
- 6.30 The Council will adopt a sterile approach to fire safety in the communal areas of its properties, and will have a managed approach to the removal of tenants' goods from these communal areas.
- 6.31 The Council will not permit the storage of scooters within the communal areas of its properties.
- 6.32 The Council will have a robust process in place to manage properties with known hoarding issues, as well as new hoarding issues which arise.

7. Compliance Risk Assessment/Inspection Programmes

- 7.1 **Risk assessment** – The Council will establish and maintain a risk assessment for fire safety management and operations. This risk assessment will set out the organisation's key fire safety risks together with appropriate mitigations.
- 7.2 **CDM** - to comply with the requirements of the Construction, Design and Management Regulations 2015 (CDM) a Construction Phase Plan will be completed for all repair work to void and tenanted properties (at the start of the contract and annually thereafter), component replacement and refurbishment works where applicable.
- 7.3 **Fire risk assessments (non-domestic and other)** – The Council will complete a programme of fire risk assessments to all non-domestic (communal blocks) and 'other' properties (offices, commercial shops, depots etc.) in its management and ownership. All future fire risk assessments will be Type 3 surveys as a minimum.
- 7.4 Thereafter, The Council will carry out a programme of fire risk assessment reviews, ensuring that all fire risk assessments are reviewed no later than the review date set by the fire risk assessment and that this review is carried out by a competent fire risk assessor (the review period will be two yearly for all stock, unless otherwise specified by the fire risk assessor).
- 7.5 **Commercial Stock Assigned to the HRA** – The Council will ensure it has records of a valid FRA where properties it owns or manages are managed by

people or organisations other than The Council (i.e. are managed by managing agents).

- 7.6 These properties will be included on the Council's Fire Safety programme, so a new FRA can be requested from the managing agent prior to the existing one expiring. If the managing agent fails to carry out the FRA, The Council will step in and carry out the FRA and re-charge the managing agent for the cost of this work.
- 7.7 The Council will adopt a pro-active approach to fire door auditing, and will regularly review the approach to ensure that it remains in line with all changes in legislation.
- 7.8 The Council will ensure that each property requiring a fire risk assessment has a fire risk assessment in place that is PAS79 compliant (Publicly Available Specification) from the British Standards Institute (BSI) and that it has been carried out by a competent fire risk assessor.
- 7.9 The Council will carry out a programme of servicing and maintenance, in accordance with all relevant British Standards and manufacturers' recommendations, to all fire detection, prevention and firefighting systems and equipment within buildings owned or managed by the organisation.
- 7.10 The Council will carry out a programme of regular property inspections to all properties with a fire risk assessment in place to audit that all required management actions are taking place. These inspections will be undertaken at regular intervals by caretakers and housing advisors and inspections records will be kept.
- 7.11 **New Build Properties** – The Council will ensure that a pre-occupation fire risk assessment is carried out on all new build properties where required, and that a post-occupation FRA is also commissioned within three months of the first tenant moving in.

8. Compliance Follow-up Work

- 8.1 The Council will ensure that robust processes are in place to implement all mandatory fire precaution measures identified by fire risk assessments. This will be done on the following timescales:
- Intolerable actions - will be implemented within 1 week;
 - Substantial actions – will be implemented within 1 month;
 - Moderate actions – will be implemented within 3 months;
 - Tolerable actions – will be implemented within 6 months; and

- Trivial actions – will be implemented within 9 months.

NB: In instances where these timescales cannot be achieved, after appropriate and recorded risk assessment with the FRA assessor, new timescales may be agreed.

- 8.2 The Council will ensure that robust processes are in place to implement all fire precaution measures identified by the regular property inspections carried out by caretakers and housing officers.
- 8.3 The Council will ensure there is a robust process in place for the management of any follow-up works required following the completion of servicing and maintenance checks to fire detection, prevention and fire-fighting systems and equipment.

Key controls and reporting

9. Record Keeping

- 9.1 The Council will establish and maintain a core asset register of the communal blocks and 'other' properties that require a fire safety risk assessment. This register should also identify all fire safety equipment, systems and installations within each building.
- 9.2 The register must show the date of the previous and current fire risk assessment (where applicable), along with the due date of the next fire risk assessment. The register will also be used to record and track the progress of all fire safety actions required, as identified from the fire risk assessments.
- 9.3 FRA inspection and re-inspection dates, FRA surveys and FRA actions will be electronically stored within Pyramid.
- 9.4 The Council will establish and maintain a register against each property asset of any smoke/heat detection equipment contained within domestic dwellings.
- 9.5 The Council will establish and maintain accurate records of all completed fire risk assessments, fire risk assessment reviews and associated completed remedial works from these reports, and keep these as per the organisation's Data Retention Policy.
- 9.6 The Council will establish and maintain accurate records of all completed servicing and maintenance checks on fire safety equipment, systems and installations and details of associated completed remedial works, and keep these as per the organisation's Data Retention Policy.
- 9.7 The Council will maintain an appropriate Fire Safety Log Book and keep this securely on site, where practical, for all high risk schemes requiring a fire risk

assessment. High risk schemes include all sheltered schemes and any building with a personalised evacuation strategy.

9.8 The Council will establish and maintain records of all fire safety related training undertaken by staff.

9.9 The Council will ensure robust processes and controls are in place to provide and maintain appropriate levels of security for all fire safety related data.

10. Performance Reporting

10.1 Key performance indicator (KPI) measures will be established and maintained to ensure The Council is able to report on performance in relation to fire safety.

10.2 KPI measures will be produced and provided to Corporate Leadership Team on a monthly basis and to The Council's Cabinet as part of the performance reporting cycle. As a minimum, these KPI measures will include reporting on:

10.2.1 Data – the total number of:

- Properties on the FRA programme;
- Properties with a valid 'in date' FRA. This is the level of compliance expressed as a number and a percentage;
- Properties where the FRA has expired and is 'out of date'. This is the level of non-compliance expressed as a number and a percentage;
- The number of follow up works/actions arising from any FRAs, and the numbers 'completed', 'in time' and 'overdue'.

10.2.2 Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective action;
- Progress with completion of follow-up works.

10.3 In addition:

- Compliance with the fire safety equipment, systems and installations servicing and maintenance programme;
- Recording and reporting on property fires to identify trends and target awareness campaigns.

11. Quality Assurance

- 11.1 The Council will carry out an independent audit of fire safety at least once every two years. This audit will specifically test for compliance with the regulation, legislation and approved codes of practice and identify any non-compliance issues for correction.
- 11.2 The Council will carry out independent third party quality assurance audits of fire risk assessments, fire equipment servicing and follow-up actions. This will be a 10 per cent sample of the total fire safety works carried out.
- 11.3 The Council will implement a programme of regular property inspections to all properties with a fire risk assessment in place to audit that all required management actions are taking place.
- 11.4 These inspections will be carried out by caretakers and housing advisors and be undertaken at regular intervals, with inspection records evidenced and kept against each property. In addition to this The Council will ensure regular testing of all fire alarms and emergency lighting systems.

12. Non-Compliance/ Escalation Process

- 12.1 The definition of non-compliance in relation to this policy refers to any incident which results in a potential breach of legislation or regulatory standard, or which causes or has the potential to cause a significant risk to health or safety.
- 12.2 Any non-compliance issue identified at an operational level will be formally reported to The Council's Director of Housing and Operations.
- 12.3 The Council's Director of Housing and Operations will agree an appropriate course of corrective action with the relevant operational team(s) in order to address the non-compliance issue.
- 12.4 The Council's Corporate Leadership Team (CLT) will ensure the Cabinet Member for Housing, Transport and Special Projects is made aware of any non-compliance issue so they can consider the implications and take action as appropriate.
- 12.5 In cases of a serious non-compliance issue The Council's CLT and Monitoring Officer will consider whether it is necessary to disclose the issue to the Regulator of Social Housing in the spirit of co-regulation, or any other relevant organisation such as the HSE, as part of the Regulatory Framework.

13. Training

- 13.1 The Council will ensure that all operatives working for, or on behalf of, the organisation have the relevant training required for their role. This will be managed via periodic assessments of training needs and resulting programmes of internal and/or external training.

14 Equality and Diversity

- 14.1 An Equality Impact Assessment has been carried out to determine whether the policy would have an impact on any member of staff, tenants or contractor workforce, which unfairly discriminates or disadvantages them in the context of the Equality Act 2010. Adherence to the policy provides the same level of protection for all building users and no impacts have been identified that would adversely affect one group more than any other.



GAS & HEATING POLICY HOUSING

Date of policy	April 2021
Date for review	April 2024
Policy author	Executive Operations Director, Pennington Choices
Policy owner	Director of Housing and Operations, Folkestone & Hythe District Council
Approved by	
Risk register rating	High
Associated documents	FHDC Gas Safety procedure

Revision history			
Version	Date	Revision description	Policy author
V1.0	March 2020	Document created	Lee Woods (Pennington Choices)
V2.0	March 2021	Re-branding; update of key roles and responsibilities in line with FHDC reporting structure	John Holman, Assistant Director (Housing); Jonathan Hicks, Policy & Performance Specialist

NEW POLICY / POLICY REVIEW	
New policy	YES
Early review – change in legislation	
Early review – significant changes in practice	

Review due – significant changes	
Review due – cosmetic changes or unchanged	
Other reason	

Reason for new policy / summary of changes

To ensure the accountability for managing this policy reflects the current structure and designated roles within the Housing Service

CONSULTATION

List of people/roles who have been consulted	Date
David Griffiths, East Kent Audit partnership	December 2020
Roy Catling, Assets & Development Lead Specialist	March 2021
Corporate Leadership Team	April 2021

EQUALITY IMPACT ASSESSMENT	Completed	Date
	Yes	28 April 2021

DISSEMINATION

Role	Awareness	Essential

TRAINING

Role	Trainer	Date completed

MONITORING AND COMPLIANCE

Method	Responsibility	Frequency

1. Purpose of the Policy

- 1.1 Folkestone & Hythe District Council (hereafter referred to as ‘the Council’) is responsible for the maintenance and repairs to its homes and other buildings, many of which will contain gas installations and appliances.
- 1.2 The Gas Safety (Installation and Use) Regulations 1998 (as amended) specifically deal with the installation, maintenance and use of gas appliances, fittings and flues in domestic properties and certain commercial premises. The regulations also place a legal duty on landlords to ensure that gas appliances, fittings and flues provided for tenants’ use are safe.
- 1.3 The Council is also responsible for maintaining other types of heating systems to ensure that all appliances, fittings and flues provided for tenants’ use are safe. These include gas, oil fired, solid fuel and liquid petroleum gas (LPG).

2. Policy Objectives and Scope

- 2.1 The Council must establish a policy which meets the requirements of the Gas Safety (Installation and Use) Regulations 1998 (as amended). In addition to this, the policy must provide assurance to The Council that measures are in place to ensure compliance with these regulations and to identify, manage and/or mitigate risks associated with gas fittings, appliances and flues.
- 2.2 The Council must ensure compliance with gas safety legislation is formally reported to the Council’s Cabinet, including the details of any non-compliance.
- 2.3 The policy is relevant to all of The Council’s employees, tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services.
- 2.4 It should be used by all to ensure they understand the obligations placed upon the Council to maintain a safe environment for tenants and employees within the homes of each tenant, and within all communal areas of buildings and ‘other’ properties (owned and managed).

3. Legal/Regulatory Framework

- 3.1 **Regulatory Standards** - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England, which was introduced by the Regulator of Social Housing (RSH).
- 3.2 **Legislation** - the principal legislation applicable to this policy is ‘The Gas Safety (Installation and Use) Regulations 1998’ (as amended). The Council has a legal obligation under Part F, Regulation 36 of the legislation (Duties of Landlords) and is the ‘Landlord’ for the purposes of the legislation. The Council is the ‘Landlord’ by virtue of the fact that it owns and manages homes and buildings

housing tenants/leaseholders through the tenancy, lease and license agreement obligations it has with the tenants/leaseholders.

3.3 **Code of Practice** – the principal approved codes of practice applicable to this policy are as follows:

- ACoP L56 - 'Safety in the installation and use of gas systems and appliances' (5th edition 2018)
- INDG285 - 'A guide to landlords' duties: Gas Safety (Installation and Use) Regulations 1998' as amended Approved Code of Practice and Guidance (3rd Edition 2018)

3.4 **Sanctions** – The Council acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and codes of practice and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health and Safety Executive under the Health and Safety at Work etc Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and via a serious detriment judgement from the Regulator of Social Housing.

3.5 **Tenants and HRA Commercial Leaseholders** – The Council will use the legal remedies available within the terms of the tenancy agreement, lease or license should any tenant refuse access to carry out essential gas safety checks, maintenance and safety related repair works. This will be following a controlled access process.

3.6 **Additional legislation**

This gas and heating safety policy also operates in the context of the following legislation:

- Health and Safety at Work Act 1974
- The Management of Health and Safety at Work Regulations 1999
- The Workplace (Health, Safety and Welfare) Regulations 1992
- Gas Safety (Management) Regulations 1996 (as amended)
- The Building Regulations in England and Wales
- Dangerous Substances and Explosive Atmospheres Regulations 2002
- Pressure Equipment Regulations 1999
- Pressure Systems Safety Regulations 2000
- Pipelines Safety Regulations 1996
- Heat Network Regulations 2014
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Provision and Use of Work Equipment Regulations 1998
- Construction (Design and Management) Regulations 2015
- Landlord and Tenant Act 1985
- Data Protection Act 2018
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013

- Homes (Fitness for Human Habitation) Act 2018

4. Responsibility

- 4.1 The Council's Cabinet will have overall responsibility for ensuring the Gas and Heating Policy is fully implemented to ensure full compliance with the regulatory standards, legislation and approved codes of practice. As such, they will formally approve this policy and review it every two years (or sooner if there is a change in regulation, legislation or codes of practice).
- 4.2 Gas safety performance will be reported to Cabinet as part of the Council's performance reporting framework. This is so that it has assurance that the policy is operating effectively in practice.
- 4.3 The Council's Director of Housing and Operations will have strategic responsibility for the implementation of the Gas and Heating Policy and for ensuring compliance is achieved and maintained.
- 4.4 The Council's Director of Housing and Operations will be responsible for overseeing the delivery of the agreed gas safety programme. The Director will also prioritise and implement any works arising from the gas safety inspections.
- 4.5 The housing operations team will provide key support in gaining access into properties where access is proving difficult.
- 4.6 The Council's Director of Housing and Operations will be responsible for ensuring the policy is reviewed every two years, and will notify The Council's Corporate Leadership Team and relevant operational team(s) responsible for the delivery of the compliance programme, of the upcoming review. They will ensure that this review process takes place before the policy expires.

4.6 Competent Persons

- 4.6.1 The Council will ensure that the manager with lead responsibility for operational delivery is appropriately qualified and experienced, holding one of the following:
 - Level 4 VRQ in Gas Safety Management (if they are not Gas Safe Registered), or equivalent, and full membership of the Association of Gas Safety Managers (AGSM);
 - A minimum of a level 4 qualification in a related subject such as Level 4 VRQ Diploma in Asset and Building Management Compliance.
- 4.6.2 The most appropriate qualification will be obtained within 12 months of the approval of this policy, or within 12 months of the start of employment for any new operational leads, where the employee does not already hold it.
- 4.6.3 The Council will ensure that all operatives (internal or employed by external contractors) maintain Gas Safe accreditation for all areas of gas/liquid petroleum gas (LPG) works that they undertake.

- 4.6.4 The Council will ensure that only suitably competent Gas Safe accredited contractors are procured and appointed to undertake works to gas/LPG fittings, appliances and flues.
- 4.6.5 The Council will ensure that, where applicable, only suitably competent Oil Firing Technical Association (OFTEC) and/or HETAS accredited contractors are procured and appointed to undertake works to oil fired and solid fuel fittings, appliances and flues. HETAS is a not-for-profit organisation offering a competent person scheme for installers of biomass and solid fuel heating, registration for retailers and chimney sweeps and approval of appliances and fuels.
- 4.6.6 **Other heating types** – The Council will ensure that, where applicable, only individuals/organisations with a Microgeneration Certification Scheme accreditation (MCS) are procured and appointed to undertake works on ground/air source heat pumps, solar thermal and biomass heating systems.
- 4.6.7 The operational team with responsibility for delivery will check the relevant qualifications of in-house operatives or employees working for external contractors to ensure that all persons are appropriately qualified and accredited for the work that they are carrying out. These checks will be undertaken on an annual basis and evidenced appropriately.

The Policy

5. Obligations

- 5.1 The Gas Safety (Installation and Use) Regulations 1998 (as amended) impose duties on landlords to protect tenants' safety in their homes with respect to gas safety. The main duties as a landlord are set out in Regulation 36 requiring landlords to:
- Ensure gas fittings and flues are maintained in a safe condition. Gas appliances should be serviced in accordance with the manufacturer's instructions. If these are not available it is recommended that they are serviced annually unless advised otherwise by a Gas Safe registered engineer;
 - Ensure the annual safety check is carried out on each gas appliance and flue within 12 months of the previous safety check;
 - Have all installation, maintenance and safety checks carried out by a Gas Safe registered engineer;
 - Keep a record of each safety check for at least two years;

- Issue a copy of the latest safety check record to existing tenants within 28 days of the check being completed, or to any new tenant when they move in;
 - Display a copy of the latest safety check record in a common area of a building where the gas appliance serves a communal heating system to multiple homes.
- 5.2 In addition, landlords must ensure that no gas fitting of a type that would contravene Regulation 30 (e.g. certain gas fires and instantaneous water heaters) is fitted in any room occupied or to be occupied as sleeping accommodation after the Regulations came into force. This includes any room converted into such accommodation after that time.
- 5.3 These obligations apply to both gas heating and liquid petroleum gas heating systems.
- 5.4 **Other heating types** – with regards to all other heating types as set out in 1.4 of this policy, although there is no legal requirement for carrying out safety checks, The Council will complete an annual safety check for all properties with these heating types, in exactly the same way as they do for properties with gas and LPG. The competent person will require alternative qualifications which are set out in section 4 of this policy.

6. Statement of Intent

- 6.1 The Council acknowledges and accepts its responsibilities under the Gas Safety (Installation and Use) Regulations 1998 (as amended).
- 6.2 The Council will hold accurate inspection dates and inspection records against each property it owns or manages electronically.
- 6.3 The Council will request the internal gas/heating engineers visit all properties on an annual basis to carry out gas and/or heating safety checks, irrespective of whether the property has a gas supply or not (other than those properties not on the gas mains network). Additionally, these properties will be subject to section 3.5 of this policy irrespective of whether they have a gas supply or not.
- 6.4 The Council will ensure that each property requiring a gas/heating safety check and/or service will have a landlords' gas safety record (LGSR) or equivalent that has a completion date not more than 12 months following the completion date of the previous LGSR (or equivalent) relating to the property or installation date of new installations.

- 6.5 The Council will ensure that copies of all LGSRs/certification are provided to tenants within 28 days of completion or displayed in a common area where necessary within 28 days of its completion.
- 6.6 The Council will cap-off gas supplies to all properties when the property becomes void and a new tenant is not moving in immediately following the previous tenant leaving. Where possible this will be completed by the end of the next working day.
- 6.7 The Council will cap-off gas supplies to all new build properties at handover if the new tenancy is not commencing immediately at the point of handover.
- 6.8 The Council will ensure that gas safety checks are carried out on the commencement of any new tenancy (void or new build properties), mutual exchange and/or transfer and that the tenant receives a copy of the LGSR prior to, or immediately after moving in.
- 6.9 The Council will carry out a gas safety check following any new gas appliance installation. The safety check will include a gas soundness test of the system pipework, a visual inspection of the meter installation and a visual inspection including the safe working operation on all other gas appliances and associated flues within a property, issuing a gas safety certificate to confirm the necessary checks have been completed.
- 6.10 The Council will carry out a visual check of tenant-owned appliances This includes a 5 point visual safety check for gas cookers and gas fires where the manufacturers' instructions are available (location, flueing, ventilation, signs of distress and stable and secure). Where appliances are found to be faulty these will be disconnected and a warning notice issued.
- 6.11 The Council will test or replace smoke alarms as part of the annual gas safety check visit (or at void stage).
- 6.12 The Council will carry out an annual gas safety check to all properties where the gas supply is inactive (capped) at the request of the tenant. This is to ensure that gas supplies have not been reconnected by the tenant, and to ensure continued compliance with the requirements of the Gas Safety (Installation and Use) Regulations 1998 (as amended). Section 3.5 of this policy will apply to these properties.
- 6.13 In any instance where a property has a capped supply, The Council will communicate at least annually with the tenants to ensure the property remains capped and inform the tenant of what is required in order to reinstate gas at the property.
- 6.14 The Council will carry out annual assessments of properties where tenants have chosen for personal reasons not to use the gas supply in the property.

This is to check on the tenant's wellbeing and also to assess that the lack of gas heating is not adversely affecting the condition of the property.

- 6.15 The Council will ensure that only suitably competent Gas Safe accredited engineers undertake gas or LPG works for the organisation. Section 4 of this policy sets out the competency required to carry out safety checks for other heating types.
- 6.16 The Council will remove any open flue gas appliances found in any rooms that are being used as bedrooms.
- 6.17 The Council will have robust processes and controls in place to ensure that consideration is made when letting properties to the suitability of the accommodation for the prospective tenant with regards to gas/heating safety.
- 6.18 The Council will have a robust controlled access process in place should any tenant refuse access to carry out essential gas/heating safety related inspection and remediation works.
- 6.19 The Council will have a robust process in place to gain access to properties where tenant vulnerability issues are known or identified whilst ensuring the organisation can gain timely access to any property in order to be compliant with this policy and safeguard the wellbeing of the tenant.
- 6.20 The Council will ensure that where applicable all solid fuel, chimney stacks, oil fired appliances and flues are inspected and maintained at least annually and that this work is completed by a suitably competent engineer.
- 6.21 The Council will ensure that all contractors' employee and public liability insurances are up to date on an annual basis.
- 6.22 The Council will ensure contracts/service level agreements are in place with the contractors responsible for delivering the compliance service.
- 6.23 The Council will ensure there are effective contract management arrangements in place, in the form of client-led meetings taking place regularly, with standard agendas and minutes produced, key performance indicators analysed and programmes and performance scrutinised.
- 6.24 The Council will ensure that all replacements, modifications and installations of gas appliances and heating systems within its properties will comply with all elements of Part J Combustion Appliances and Fuel Storage Systems, of the Building Regulations.
- 6.25 The Council will implement a robust process to deal with all changes to stock, including new property acquisitions, disposals and stock transfers, in order to ensure that properties are not omitted from the compliance programme, and to ensure the programme remains up-to-date.

6.26 The Council will ensure that there is a robust process in place for the management of immediately dangerous situations identified from the gas/heating safety check.

7. Compliance Risk Assessment/Inspection Programmes

7.1 **Risk assessment** – The Council will establish and maintain a risk assessment for gas safety management and operations. This risk assessment will set out the organisation's key gas safety risks together with appropriate mitigations.

7.2 **CDM** - to comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM) a Construction Phase Plan will be completed for all repairs work to void and tenanted properties (at the start of the contract and reviewed annually thereafter), component replacement works and refurbishment projects where applicable.

7.3 **Domestic properties** – The Council will carry out a programme of annual gas/heating safety checks and services to all domestic properties, covering all heating types. This check will include all gas/heating fittings, appliances and flues in the property and will be completed 12 months from the date of the previous LGSR/certification.

7.4 This safety check is driven from the anniversary date of the most recent LGSR/certification which may have been carried out at the start of a new tenancy or following installation of new gas appliances.

7.5 The Council will adopt the changes introduced in April 2018 to Part F, Regulation 36 (3) of the Gas (Installation and Use) Regulations 1998 that provides landlords with some flexibility around the anniversary date of LGSRs.

7.6 The new change allows the landlord to carry out a new gas safety check within 10 months and 1 day of the previous safety check and retain the original 12 month anniversary date of the previous LGSR, providing it does not exceed this 12 month anniversary date.

7.7 **Communal Blocks and 'Other' properties** – The Council will carry out a programme of annual gas safety checks and services to all communal blocks and HRA properties (commercial, shops, offices, depots, etc.) where it has the legal obligation to do so.

7.8 These checks will include all gas fittings, appliances and flues in the property and will be completed no longer than 12 months from the date of the previous LGSR/certification, or as detailed within manufacturer's instructions.

7.9 These safety checks and maintenance services will be carried out by a suitably competent engineer in accordance with the manufacturer's instructions. These

installations may include catering equipment, boilers serving communal heating systems, combined heat and power systems, pressure vessels and water heating boilers.

- 7.10 The Council will carry out, where applicable, a programme of annual safety checks and services to all oil fired and solid fuel systems. This check will include all fittings, appliances and flues in the property and will be completed no longer than 12 months from the date of the previous safety check and service or as detailed within manufacturer's instructions or industry best practice.
- 7.11 These safety checks and maintenance services will be carried out by a suitably competent engineer in accordance with the manufacturer's instructions.
- 7.12 **Commercial Stock Assigned to the HRA** – The Council will ensure they have records of a valid LGSR where properties it owns or manages are managed by people or organisations other than The Council (i.e. are managed by managing agents).
- 7.13 These properties will be included on the Council's gas safety programme, so a new LGSR can be requested from the managing agent prior to the existing one expiring. If the managing agent fails to carry out the gas safety test, The Council will step in and carry out the test and re-charge the managing agent for the cost of this work.

8. Compliance Follow-up Work

- 8.1 The Council will ensure there is a robust process in place for the management of any follow-up works required following the completion of a gas/heating safety check.
- 8.2 The Council will test smoke alarms and CO detection in all domestic properties as part of the annual gas/heating safety check and replace these where necessary.
- 8.3 A safety check will be carried out on completion of any repair and/or refurbishment works to occupied or void properties where works may have affected any gas fittings, appliances or flues.

Key controls and reporting

9. Record Keeping

- 9.1 The Council will establish and maintain a core asset register of all properties that have an active or inactive gas supply. This register will also hold data

against each property asset of gas or other heating inspection and servicing requirements, where applicable, for all domestic properties, communal blocks and 'other' property assets.

- 9.2 The Council will hold accurate inspection dates and inspection records against each property it owns or manages electronically on the CORGI or other approved system.
- 9.3 The Council will ensure the Gas Safe registered engineer records the details of all appliances and other equipment which is served by the gas/heating supply in every domestic property, communal block or 'other' property.
- 9.4 The Council will establish and maintain accurate records of all completed safety records, and associated remedial works and keep these for a period of not less than two years. These will be held on the CORGI or other approved system.
- 9.5 The Council will hold and maintain accurate records on the qualifications of all engineers undertaking gas/heating works for the organisation.
- 9.6 The Council will ensure robust processes and controls are in place to provide and maintain appropriate levels of security for all gas/heating safety related data.

10. Performance Reporting

- 10.1 Robust key performance indicator (KPI) measures will be established and maintained to ensure The Council is able to report on performance in relation to gas/heating safety.
- 10.2 KPI measures will be provided to Corporate Leadership Team (CLT) and at The Council's Cabinet as part of its performance reporting schedule. As a minimum, these KPI measures will include reporting on:

10.2.1 Data – the total number of:

- Properties – split by domestic properties, communal blocks and 'other' properties;
- Properties on the gas/heating servicing programme;
- Properties with a valid 'in date' LGSR/certification. This is the level of compliance;
- Properties where the LGSR/certification has expired and is 'out of date'. This is the level of non-compliance.

10.2.2 Narrative - an explanation of the:

- Current position;

- Corrective action required;
- Anticipated impact of corrective action;
- Progress with completion of follow-up works.

11. Quality Assurance

- 11.1 The Council will ensure there is a programme of independent third party quality assurance audits of gas/heating safety checks, gas appliance services and gas appliance repair works. This will be a 5 per cent sample of the total gas safety works carried out.
- 11.2 Desktop audits, using the nine-point check, will be completed on 100 per cent of all certification. These will be checked by the compliance team.
- 12.3 The Council will carry out an independent audit of gas/heating safety at least once every two years. This audit will specifically test for compliance with the regulation, legislation and approved codes of practice and identify any non-compliance issues for correction.

12. Non-Compliance/ Escalation Process

- 12.1 The definition of non-compliance in relation to this policy refers to any incident which results in a potential breach of legislation or regulatory standard, or which causes, or has the potential to cause, a significant risk to health or safety.
- 12.2 Any non-compliance issue identified at an operational level will be reported through the performance reporting mechanisms to The Council's Director of Housing and Operations.
- 12.3 The Council's Director of Housing and Operations will agree an appropriate course of corrective action with the relevant operational teams in order to address the non-compliance issue and report details of the same as part of the monthly performance reporting process.
- 12.4 The Director of Housing and Operations will ensure the Cabinet Member for Housing, Transport and Special Projects is made aware of any non-compliance issue so they can consider the implications and take action as appropriate.
- 12.5 In cases of a serious non-compliance issue The Council's CLT and Monitoring Officer will consider whether it is necessary to disclose the issue to the Regulator of Social Housing in the spirit of co-regulation, or any other relevant organisation such as the HSE, as part of the Regulatory Framework.

13. Training

- 13.1 The Council will ensure that all operatives working for, or on behalf of, the organisation have the relevant training required for their role. This will be managed via periodic assessments of training needs and resulting programmes of internal and/or external training.

14 Equality and Diversity

- 14.1 An Equality Impact Assessment has been carried out to determine whether the policy would have an impact on any member of staff, tenants or contractor workforce, which unfairly discriminates or disadvantages them in the context of the Equality Act 2010. Adherence to the policy provides the same level of protection for all building users and no impacts have been identified that would adversely affect one group more than any other.



LIFT SAFETY POLICY

HOUSING

Date of policy	April 2021
Date for review	April 2024
Policy author	Executive Operations Director, Pennington Choices
Policy owner	Director of Housing and Operations, Folkestone & Hythe District Council
Approved by	
Risk register rating	High
Associated documents	FHDC Lift Safety procedure

Revision history			
Version	Date	Revision description	Policy author
V1.0	March 2020	Document created	Lee Woods (Pennington Choices)
V2.0	March 2021	Re-branding; update of key roles and responsibilities in line with FHDC reporting structure	John Holman, Assistant Director (Housing); Jonathan Hicks, Policy & Performance Specialist

NEW POLICY / POLICY REVIEW	
New policy	YES
Early review – change in legislation	
Early review – significant changes in practice	

Review due – significant changes	
Review due – cosmetic changes or unchanged	
Other reason	

Reason for new policy / summary of changes

To ensure the accountability for managing this policy reflects the current structure and designated roles within the Housing Service

CONSULTATION

List of people/roles who have been consulted	Date
David Griffiths, East Kent Audit partnership	December 2020
Roy Catling, Assets & Development Lead Specialist	March 2021
Corporate Leadership Team	April 2021

EQUALITY IMPACT ASSESSMENT

	Completed	Date
	Yes	28 April 2021

DISSEMINATION

Role	Awareness	Essential

TRAINING

Role	Trainer	Date completed

MONITORING AND COMPLIANCE

Method	Responsibility	Frequency

1. Purpose of the Policy

- 1.1 Landlords are responsible for maintaining passenger lifts and for carrying out periodic thorough examinations and inspections to ensure those lifts operate safely. In addition to lifts, landlords have a responsibility to maintain stair lifts and hoists to ensure the safety of their tenants.
- 1.2 Folkestone & Hythe District Council (hereafter referred to as 'the Council') own and manage properties that have passenger lifts to assist tenants to and from their homes. In addition to these, the ageing population in the UK means that an increasing number of domestic homes are now being adapted with living aids such as stair lifts and hoists to enable tenants to continue to live independently.

2. Policy Objectives and Scope

- 2.1 The Council must establish a policy which meets the requirements of the Health and Safety at Work Act 1974. In addition to this, the policy must provide assurance to The Council that measures are in place to ensure compliance with the Lifting Operation and Lifting Equipment Regulations 1998 (LOLER) and to identify, manage and/or mitigate risks associated with passenger lifts, stair lifts and hoists. The Council must also ensure compliance with lift safety legislation is formally reported to the Council's Corporate Leadership Team and Cabinet, including the details of any non-compliance and planned corrective actions.
- 2.2 The policy is relevant to all The Council employees, tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services. It should be used by all to ensure they understand the obligations placed upon The Council to maintain a safe environment for tenants and employees within the home of each tenant and within all non-residential premises or areas of buildings.
- 2.3 The policy is also relevant for maintaining a safe environment for all tenants and employees within all of The Council's properties.

3. Legal/Regulatory Framework

- 3.1 **Regulatory Standards** - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England, which was introduced by the Regulator of Social Housing in April 2012.
- 3.2 **Legislation** - the principal legislation applicable to this policy is The Health and Safety at Work Act 1974 and the Lifting Operation and Lifting Equipment Regulations 1998 (LOLER).
- 3.3 **Code of Practice** – the principal codes of practice applicable to this policy are:

- 3.3.1 ACoP L113 - Safe use of lifting equipment: Lifting Operations and Lifting Equipment Regulations 1998 (2nd edition 2014).
- 3.3.2 INDG422 - Thorough examination of lifting equipment: A simple guide for employers (2008).
- 3.3.3 INDG339 - Thorough examination and testing of lifts: Simple guidance for lift owners (2008).

3.4 **Sanctions** - The Council acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and codes of practice and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health and Safety Executive under the Health and Safety at Work etc Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and via a serious detriment judgement from the Regulator of Social Housing (RSH).

3.5 **Tenants and HRA Commercial Stock** – The Council will use the legal remedies available within the terms of the tenancy and lease agreement should any tenant, leaseholder or shared owner refuse access to carry out essential lift safety related inspection and remediation works.

3.6 **Additional legislation**

This lift safety policy also operates in the context of the following additional legislation:

- The Management of Health and Safety at Work Regulations 1999
- The Provision and Use of Work Equipment Regulations 1998 (PUWER)
- The Workplace (Health Safety and Welfare) Regulations 1992
- The Building Regulations 2004 – Part M
- Construction (Design and Management) Regulations 2015
- Disability and Discrimination Act 2005
- Equality Act 2010
- Housing Act 2004
- Landlord and Tenant Act 1985
- Data Protection Act 2018
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013
- Homes (Fitness for Human Habitation) Act 2018

4. Responsibility

- 4.1 The Council's Cabinet will have overall governance responsibility for ensuring the Lift Safety policy is fully implemented to ensure full compliance with the regulatory standards, legislation and codes of practice. The Council's Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in regulation, legislation or codes of practice).
- 4.2 The Council's Director of Housing and Operations has strategic responsibility for the management of lift safety and for ensuring compliance is achieved and maintained. The Director will also oversee the implementation of the lift safety policy.
- 4.3 The Council's Director of Housing and Operations will be responsible for overseeing the delivery of the agreed lift servicing and maintenance programmes, and the prioritisation and implementation of any works arising from the inspections. The Director is also responsible for overseeing the delivery of service, maintenance and repair programmes to all lifts, stair lifts, and hoists within property assets owned or managed by The Council.
- 4.4 The housing teams will provide key support in gaining access into properties where access is proving difficult and use standard methods to do so. They will also facilitate the legal process to gain access as necessary.
- 4.5 The Council's Director of Housing and Operations will be responsible for ensuring the policy is reviewed every two years, and will notify the Corporate Leadership Team (CLT) and relevant operational team(s) responsible for the delivery of the compliance programme, of the upcoming review.

4.6 Competent Persons

- 4.6.1 The Council will ensure that the 'Responsible Person', and the manager(s) with lead responsibility for operational delivery are appropriately competent; will have undertaken appropriate training and have sufficient experience to meet the criteria of a 'competent person' as stated by the Health and Safety Executive (HSE).
- 4.6.2 The Council will ensure that only suitably competent consultants and contractors, registered members of the Lift and Escalator Industry Association (LEIA) or equivalent, are procured and appointed to undertake risk assessments, prepare written examination schemes and undertake works in respect of lifts, stair lifts and hoists.
- 4.6.3 The operational team with responsibility for delivery will check the relevant qualifications of employees working for these contractors and for those working within the in-house team to ensure that all persons are appropriately qualified for the work that they are carrying out. These checks will be undertaken on an annual basis.

The Policy

5. Obligations

- 5.1 Landlords are responsible for maintaining passenger lifts and for carrying out periodic thorough examinations and inspections to ensure those lifts operate safely. Section 3 of the Health and Safety at Work Act 1974 requires employers, such as landlords, to have responsibility for the health and safety of employees and people using or visiting their premises so far as reasonably practicable.
- 5.2 Passenger lifts in workplaces (for example, offices and communal blocks), which are primarily used by people at work, are subject to the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) and the Provision and Use of Work Equipment Regulations 1998 (PUWER).
- 5.3 Landlords are required to ensure that all lifts, when in use, are thoroughly examined after substantial and significant changes have been made, at least every six months if the lift is used at any time to carry people (or in accordance with an examination scheme) and following “exceptional circumstances” such as damage to, or failure of, the lift, long periods out of use or a major change in operating conditions which is likely to affect the integrity of the equipment.
- 5.4 Where stair lifts, hoists or through floor lifts have been provided for residents, normally as part of an adaptation, landlords have responsibilities for the safety of all users under Section 3 of the Health and Safety at Work Act 1974. These may be adequately discharged by undertaking maintenance, inspection and a 6-monthly thorough examination. LOLER (thorough examination) and PUWER (maintenance and inspection) apply only to stair lifts provided as work equipment for use by employees.
- 5.5 Insurers may impose demands for similarly stringent levels of risk management to cover public liability.

6. Statement of Intent

- 6.1 The Council acknowledges and accepts its responsibilities with regard to lift safety and the inspection and maintenance of lifts, stair lifts and hoists.
- 6.2 All lift, stair lift or hoist equipment in communal areas and any known equipment in tenant’s homes is the responsibility of the Council.
- 6.3 The Council will hold accurate records against each property it owns or manages, identifying where there is a lift, stair lift or hoist together with the written examination scheme for each installation.

- 6.4 The Council will appoint/train competent 'responsible persons' responsible for the operation, condition and compliance with all relevant statutory requirements. This will include taking action (within the advised timescales) to remedy any faults or defects identified through routine inspections or insurer's thorough examinations.
- 6.5 The Council will ensure that it meets all of its legal requirements in regard to lift safety operations via a combination of regular inspections, thorough examinations (in conjunction with the organisation's insurers) and periodic routine maintenance of all lifting equipment within properties it owns and manages.
- 6.6 The Council will ensure that all lifts in properties it owns and manages will be fully accessible for disabled users (as per the requirements of the Disability Discrimination Act 2005, the Equality Act 2010, and to the specifications outlined in Part M of the Building Regulations 2004).
- 6.7 The Council will endeavour to ensure that all lifts and lifting equipment in properties and workplaces it owns and manages will be in full working order at all times. Where the organisation becomes aware that lifts or lifting equipment are not operating as they should, emergency repairs orders will be issued to remedy faults as quickly as possible.
- 6.8 The Council will ensure that there are clear procedures in place and that these procedures are communicated to, and understood by, all relevant staff, for appropriate action in the event of any persons becoming trapped in lifts the organisation owns or manages. The Council staff cannot release any persons trapped in lifts as they are not competent to do so safely, but may provide reassurance until such time as the relevant lift maintenance contractors and/or emergency services arrive, as appropriate. The Council will have a service level agreement with lift maintenance service providers that ensures an emergency response in cases of entrapment.
- 6.9 The Council has some passenger lifts that have an intercom fitted that dials directly to a dedicated call centre. In cases of entrapment in these lifts call handlers will follow a scripted risk assessment to determine the medical condition of any persons that may be trapped. If there is an urgent concern for a person's welfare the emergency services will be called and asked to attend immediately.
- 6.10 The Council will ensure that all lifting equipment that is used on sites it owns or manages is thoroughly examined by a competent person before it is commissioned into use and is then subject to periodic examinations in accordance with the equipment's examination scheme.

- 6.11 The Council will ensure that only suitably competent consultants, and engineers undertake works for the organisation in respect of lifts, stair lifts and hoists.
- 6.12 The Council will ensure that a thorough examination is carried out on all known aids and adaptations designed for lifting operations, including platform lifts, stair lifts and hoists, in properties it owns and manages. These checks will take place every six months across all lifting equipment types. These checks may also take place more frequently if required to be in line with manufacturers' recommendations, or following any void works which may impact the installation (provided the lift is not to be removed prior to a new tenancy commencing).
- 6.13 The Council will respond and take remedial action for any defects to aids and adaptations designed for lifting operations identified during regular use in line with the normal provisions for repairs and maintenance. All requests of this nature will be treated as an urgent priority.
- 6.14 The Council will ensure that robust processes and controls are in place to ensure that all remedial works identified through routine maintenance inspections and insurer's inspections are completed within a reasonable timescale commensurate with the risk identified.
- 6.15 The Council will ensure robust processes and controls are in place to ensure that any health and safety incident with regard to lift safety is properly reported as required under RIDDOR. These include defects classed as 'immediately dangerous'.
- 6.16 The Council will ensure that robust processes and controls are in place to manage works to void and occupied properties that may affect existing lifts, stair lifts or hoists.
- 6.17 The Council will have a robust process in place to gain access to properties where tenant vulnerability issues are known or identified, whilst ensuring the organisation can gain timely access to any property in order to be compliant with this policy and safeguard the wellbeing of the tenant.
- 6.18 The Council will establish and maintain a plan of all continuous improvement activity undertaken with regards to lift safety.
- 6.19 The Council will ensure that all contractors' employee and public liability insurances are up to date on an annual basis.
- 6.20 The Council will ensure contracts/service level agreements are in place with the contractors responsible for delivering the compliance service where appropriate.

- 6.21 The Council will ensure there are effective contract management arrangements in place, in the form of client-led meetings taking place regularly, with standard agendas and minutes produced, key performance indicators analysed and programmes and performance scrutinised.
- 6.22 The Council will implement a robust process to deal with all changes to stock, including new property acquisitions, disposals and stock transfers, in order to ensure that properties are not omitted from the compliance programme, and to ensure the programme remains up-to-date.
- 6.23 The Council will ensure there is a robust process in place for tenants to inform the organisation if they install any lifting equipment themselves and for these to be added to the risk assessment and inspection programme.
- 6.24 The Council will ensure that there is a robust process in place for the management of immediately dangerous situations identified during the lift safety check.

7. Compliance Risk Assessment/Inspection Programmes

- 7.1 The Council will establish and maintain a risk assessment for lift safety operations. This risk assessment will set out all of the organisation's key lift safety risks together with appropriate mitigations.
- 7.2 To comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM) a Construction Phase Plan will be completed for all repairs work to void and tenanted properties (at the start of the contract and annually thereafter), component replacement works and refurbishment projects. This plan will detail any lift installations that may be affected by the works and detail all necessary work required to make safe and reinstate lift installations to ensure that they are safe to use and continue to comply with all relevant legislation and any written examination scheme, including any testing and maintenance.
- 7.3 The Council will carry out a programme of maintenance visits by competent persons to all properties that have a lift, stair lift or hoist and a written examination scheme in place. These programmes will ensure that all maintenance and testing set out in the written examination scheme is fully completed at the times and intervals stated.
- 7.4 The Council will oversee a programme of thorough examinations of passenger lifts by competent contractors appointed by The Council's insurers. This is to ensure that the organisation's responsibilities towards lift safety are being discharged and provide its insurers with adequate assurance around the quality of lift safety management.

- 7.5 The Council will carry out a programme of independent third party quality assurance audits annually to 10 per cent of written examination schemes for lifts (where not included within the insurer's inspection programme) to ensure that all examinations and planned maintenance activities are being fully and robustly implemented and completed. This is additional to inspections carried out by The Council's insurers.
- 7.6 **Commercial Stock Assigned to the HRA** – The Council will ensure it has records of a lift examination/inspection where properties it owns or manages are managed by people or organisations other than The Council (i.e. are managed by managing agents) and have lifting equipment in place. These properties will be included on the Council's Lift Safety programme, so a lifting equipment examination record can be requested from the managing agent when required. If the managing agent fails to carry out the thorough examination, The Council will step in and carry out the examination and re-charge the managing agent for the cost of this work.

8. Compliance Follow-up Work

- 8.1 The Council will ensure there is a robust process in place for the management of any follow-up works required following the completion of routine maintenance inspections, or where identified by a competent person, when undertaking required maintenance activities.
- 8.2 The Council will ensure there is a robust process in place for the management of any follow-up works required following the completion of inspections by the organisation's insurers.
- 8.3 The Council will ensure that there is a robust process in place to collate and record details of all remedial works completed against individual installations.
- 8.4 The Council will ensure there is a robust process in place to investigate and manage all RIDDOR notices issued with regard to lift safety.

Key controls and reporting

9. Record Keeping

- 9.1 The Council will establish and maintain a core asset register of all properties that have a lift, stair lift or hoist and written examination scheme in place. This register will also hold data against each property asset of the type, age and condition of lift plant in place.
- 9.2 The Council will establish and maintain accurate records of all written examination schemes and any associated remedial works completed and keep these for a period of not less than 5 years. Records should include the person or people responsible for conducting the inspection; any significant findings of inspections; the written examination scheme and its implementation; and the results of any inspection, test or check carried out, together with the dates. This should include details about the state of operation and condition of the installation.
- 9.3 The Council will establish and maintain accurate records of all inspections carried out by its insurers, the findings of these inspections, and records of completed remedial works where identified by insurer's inspections; including dates.
- 9.4 The Council will ensure that records of all inspections and thorough examinations will be available to the Competent Person at all times and that hard copies of records can be produced, if required by the local enforcement authority.
- 9.5 The Council will keep a record of any entrapment incidents and will use these to inform future revisions of Examination Schemes.
- 9.6 The Council will hold and maintain accurate records on the qualifications of all consultants and engineers undertaking lift inspection and maintenance works for the organisation.
- 9.7 The Council will ensure robust processes and controls are in place to provide and maintain appropriate levels of security for all lift safety related data.

10. Performance Reporting

- 10.1 Robust key performance indicator (KPI) measures will be established and maintained to ensure The Council is able to report on performance in relation to lift safety.

10.2 KPI measures will be produced and provided to Corporate Leadership Team and Cabinet as part of the reporting cycle. As a minimum, these KPI measures will include reporting on:

- Compliance with written examination schemes for lift plant;
- The number of entrapments within lifts (in month and year to date);
- The number of outstanding high- and medium-level risk actions as identified in insurer's inspection reports;
- The number of RIDDOR notices issued with regards to lift safety.

11. Quality Assurance

11.1 The Council will carry out independent third party quality assurance audits annually to 10 per cent of written examination schemes for lifts (where not included within the insurer's inspection programme) to ensure that all examinations and planned maintenance activities are being fully and robustly implemented and completed. This is in addition to inspections carried out by The Council's insurers.

11.2 The Council will carry out an independent audit of lift safety at least once every two years. This audit will specifically test for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues for correction.

12. Non-Compliance/ Escalation Process

12.1 The definition of non-compliance in relation to this policy refers to any incident which results in a potential breach of legislation or regulatory standard, or which causes or has the potential to cause a significant risk to health or safety.

12.2 Any non-compliance issue identified at an operational level will be formally reported to The Council's Director of Housing and Operations as part of the monthly reporting cycle.

12.3 The Council's Director of Housing and Operations will agree an appropriate course of corrective action to address the non-compliance issue and report details of the same to the Corporate Leadership Team.

12.4 The Director of Housing and Operations will ensure The Council's Cabinet Member for Housing, Transport and Special Projects is made aware of any non-compliance issue so they can consider the implications and take action as appropriate.

- 12.5 In cases of a serious non-compliance issue the Corporate Leadership Team and The Council's Monitoring Officer will consider whether it is necessary to disclose the issue to the Regulator of Social Housing in the spirit of co-regulation, or any other relevant organisation such as the HSE, as part of the Regulatory Framework.

13. Training

- 13.1 This policy and the procedures that support it will be subject to a range of training across The Council and will involve all relevant stakeholders. The training will be bespoke to the individual stakeholders and refresher training will be provided as appropriate.
- 13.2 Training will include team briefings for those employees who need to have a basic understanding and awareness of lift safety but who may not be actively involved in the delivery of the lift safety policy. This will be basic lift safety awareness training.
- 13.3 On-the-job training will be provided to those employees who will be responsible for managing the programme of lift inspections, planned maintenance and repair works as part of their daily job. The manager(s) with lead responsibility for operational delivery will have undertaken appropriate training and have sufficient experience to meet the criteria of a 'competent person' as stated by the Health and Safety Executive (HSE).
- 13.4 Regular 'tool-box talks' will be given to operatives and the Council's contractor partners will be required to do this in the form of appropriate lift safety training and evidence the same.

14 Equality and Diversity

- 14.1 An Equality Impact Assessment has been carried out to determine whether the policy would have an impact on any member of staff, tenants or contractor workforce, which unfairly discriminates or disadvantages them in the context of the Equality Act 2010. Adherence to the policy provides the same level of protection for all building users and no impacts have been identified that would adversely affect one group more than any other.



WATER HYGIENE POLICY

HOUSING

Date of policy	April 2021
Date for review	April 2024
Policy author	Executive Operations Director, Pennington Choices
Policy owner	Director of Housing and Operations, Folkestone & Hythe District Council
Approved by	
Risk register rating	
Associated documents	FHDC Water Hygiene procedure

Revision history			
Version	Date	Revision description	Policy author
V1.0	March 2020	Document created	Lee Woods (Pennington Choices)
V2.0	March 2021	Re-branding; update of key roles and responsibilities in line with FHDC reporting structure	John Holman, Assistant Director (Housing); Jonathan Hicks, Policy & Performance Specialist

NEW POLICY / POLICY REVIEW	
New policy	YES
Early review – change in legislation	
Early review – significant changes in practice	

Review due – significant changes	
Review due – cosmetic changes or unchanged	
Other reason	

Reason for new policy / summary of changes

To ensure the accountability for managing this policy reflects the current structure and designated roles within the Housing Service

CONSULTATION

List of people/roles who have been consulted	Date
David Griffiths, East Kent Audit partnership	December 2020
Roy Catling, Assets & Development Lead Specialist	March 2021
Corporate Leadership Team	April 2021

EQUALITY IMPACT ASSESSMENT	Completed	Date
	Yes	28 April 2021

DISSEMINATION

Role	Awareness	Essential

TRAINING

Role	Trainer	Date completed

MONITORING AND COMPLIANCE

Method	Responsibility	Frequency

1. Purpose of the Policy

- 1.1 Legionellosis is a collective term for diseases caused by legionella bacteria including the most serious, Legionnaires' disease, as well as the similar but less serious conditions of Pontiac fever and Lochgoilhead fever. Legionnaires' disease is a potentially fatal form of pneumonia and everyone is susceptible to infection. The risk increases with age, but some people are at higher risk, e.g. people over 45, smokers and heavy drinkers, people suffering from chronic respiratory or kidney disease, diabetes, lung and heart disease or anyone with an impaired immune system.
- 1.2 Legionnaires' disease is normally contracted by inhaling small droplets of water (aerosols), suspended in the air, containing the bacteria.
- 1.3 Therefore, it is important that Folkestone & Hythe District Council (hereafter referred to as 'the Council') control the risks by introducing measures which reduce and/or control the risk of legionella growth and proliferation of legionella bacteria and other organisms in the water systems and reduce, so far as is reasonably practicable, exposure to water droplets and aerosol in non-domestic and domestic stock as required. This will reduce the possibility of creating conditions in which the risk from exposure to legionella bacteria is increased.

2. Policy Objectives and Scope

- 2.1 The Council must establish a policy which meets the requirements of the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999 (the Management Regulations). In addition to this, the policy must provide assurance that measures are in place to demonstrate compliance with the Control of Substances Hazardous to Health Regulations 2002 (as amended) and to identify, manage and/or mitigate risks associated with hot and cold water systems and any other systems that may cause exposure to legionella bacteria. The L8 approved code of practice, 'Legionnaires' disease. The control of legionella bacteria in water systems', is available to duty holders to provide practical guidance on how to comply with their legal duties in relation to legionella.
- 2.2 The Council must also ensure compliance with water hygiene legislation is formally reported to the Council's Cabinet, including the details of any non-compliance and planned corrective actions.
- 2.3 The policy is relevant to all The Council employees, tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services.

- 2.4 It should be used by all to ensure they understand the obligations placed upon the Council to maintain a safe environment for tenants and employees within the homes of each tenant, and within all communal areas of buildings and 'other' properties owned and managed (offices, commercial shops, depots, etc.).

3. Legal/Regulatory Framework

- 3.1 **Regulatory Standards** - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England, which was introduced by the Regulator of Social Housing (RSH).
- 3.2 **Legislation** - the principal legislation applicable to this policy is the Health and Safety at Work Act 1974, the Management of Health and Safety at Work Regulations 1999 (the Management Regulations) and the Control of Substances Hazardous to Health Regulations 2002 (as amended) (COSHH). The Council has a legal obligation under COSHH to prevent or control exposure to biological agents. Being harmful to human health, legionella falls within the scope of these regulations.
- 3.3 **Code of Practice** – the principal approved codes of practice applicable to this policy are:
- ACoP L8 - 'Legionnaires' disease: The control of legionella bacteria in water systems' (4th edition 2013).
 - HSG274 - Legionnaires' disease: Technical guidance Part 1: The control of legionella bacteria in evaporating cooling systems (2013).
 - HSG274 - Legionnaires' disease: Technical guidance Part 2: The control of legionella bacteria in hot and cold water systems (2014).
 - HSG274 - Legionnaires' disease: Technical guidance Part 3: The control of legionella bacteria in other risk systems (2013).
 - INDG458 - Legionnaires' disease: A guide for duty holders Leaflet (HSE Books 2012).
- 3.4 **Sanctions** – The Council acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and codes of practice and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health and Safety Executive under the Health and Safety at Work Act 1974, prosecution under the Control of Substances Hazardous to Health Regulations (COSHH), prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007, and via a serious detriment judgement from the Regulator of Social Housing.
- 3.5 **Tenants and HRA Commercial Leaseholders** – the Council will use the legal remedies available within the terms of the tenancy agreement, lease or licence should any tenant refuse access to carry out essential safety checks, maintenance and safety related repair works.

3.6 **Additional legislation**

This Water Hygiene Policy also operates in the context of the following legislation:

- The Workplace (Health Safety and Welfare) Regulations 1992
- Construction (Design and Management) Regulations 2015
- Housing Act 2004
- Landlord and Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- Housing Health and Safety Rating System (HHSRS) 2006
- Data Protection Act 2018
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013
- Public Health (Infectious Diseases) Regulations 1998
- Water Supply (Water Quality) Regulations 2016
- Water Supply (Water Fittings) Regulations 1999

4. **Responsibility**

- 4.1 The Council's Cabinet will have overall governance responsibility for ensuring the Water Hygiene Policy is fully implemented to ensure full compliance with the regulatory standards, legislation and approved codes of practice. The Council's Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in regulation, legislation or codes of practice).
- 4.2 The Council's Cabinet will receive regular updates on the implementation of the Water Hygiene Policy and compliance performance, along with notification of any non-compliance issue which is identified as part of the routine performance-reporting process.
- 4.3 The Corporate Leadership Team (CLT) will receive reports in respect of Water Hygiene performance and ensure compliance is being achieved as part of the routine performance-reporting process.
- 4.4 The Council's Director of Housing and Operations will have strategic responsibility for the management of water hygiene safety and for ensuring compliance is achieved and maintained. The Director will also oversee the implementation of the Water Hygiene Policy.
- 4.5 The Council's Director of Housing and Operations will be responsible for overseeing the delivery of the agreed water hygiene programme, and the prioritisation and implementation of any works arising from the safety inspections.

4.6 The housing teams will provide key support in gaining access into properties where access is proving difficult and use standard methods to do so. They will also facilitate the legal process to gain access as necessary.

4.7 The Council's Director of Housing and Operations will be responsible for ensuring the policy is reviewed every two years, and will notify the Council's Corporate Leadership Team (CLT) and relevant operational team(s) responsible for the delivery of the compliance programme, of the upcoming review.

4.6 **Competent Persons**

4.6.1 The Council will ensure that the manager with lead responsibility is appropriately competent, holding a recognised qualification in legionella control through the completion of a certified training course designed to meet the training needs of a 'duty holder' or 'responsible person' for legionella control. This qualification will be obtained within 12 months of the start of employment for any new operational leads, or within 12 months of the approval of this policy for the existing post holder if they do not already hold it.

4.6.2 Training includes courses by BOHS (British Occupational Hygiene Society) such as P901 – Management and control of building hot and cold water services, City and Guilds, CIBSE, or HABC around the requirements of ACoP L8 - 'Legionnaires' disease: The control of legionella bacteria in water systems'.

4.6.3 The Council will ensure that only suitably competent consultants and contractors, registered members of the Legionella Control Association (LCA) or equivalent, are procured and appointed to undertake risk assessments, prepare written schemes of control and undertake works in respect of water hygiene and legionella control.

4.6.4 The operational team with responsibility for delivery will check the relevant qualifications of employees working for these contractors to ensure that all persons are appropriately qualified for the work that they are carrying out. These checks will be undertaken on an annual basis and evidenced appropriately.

The Policy

5. Obligations

- 5.1 The Control of Substances Hazardous to Health Regulations 2002 (as amended) (COSHH), the Management of Health and Safety at Work Regulations 1999 and the Health and Safety at Work Act 1974 place a duty, as an employer or person in control of a premises (e.g. a landlord), to take suitable precautions to prevent or control the risk of exposure to legionella.
- 5.2 The Council, as the 'Duty Holder' as defined by ACOP L8, is responsible for Health and Safety and must take the right precautions to reduce the risks of exposure to legionella, including understanding how the organisation will:
- Identify and assess sources of risk
 - Manage any risks
 - Prevent or control any risks
 - Keep and maintain the correct records for 5 years
- 5.3 The Council must ensure there is a risk assessment undertaken for all hot and cold water systems, cooling plant and any other systems that can produce water droplets to establish any potential risks and implement measures to either eliminate or control identified risks.
- 5.4 The Council as the 'Duty Holder' responsible for control of legionella and water hygiene safety must appoint a competent/responsible person to take managerial responsibility for legionella control - risk assessment, production of a written scheme and implementation of that scheme to prevent or control the risks. A competent person is someone with sufficient authority, competence, necessary skills, knowledge of the system and experience. The Council will ensure that properties are risk assessed by a competent person for potential to cause exposure to legionella.
- 5.5 In addition, the 'Duty Holder' will appoint an authorised deputy responsible person who will provide cover to the responsible person in their absence. The deputy responsible person should be trained, instructed, and informed to the same level as the responsible person, and they should assist in the frequent monitoring of the control scheme(s).

6. Statement of Intent

- 6.1 The Council acknowledges and accepts its responsibilities with regard to water hygiene safety and preventing exposure to legionella.
- 6.2 The Council will hold accurate records against each property it owns or manages, setting out the requirements for water hygiene risk assessments and safety checks.
- 6.3 The Council will periodically review risk assessments (every 2 years) in case anything changes in the system. Where a system is identified as more likely to undergo change and is therefore a higher risk, the risk assessment will be reviewed on a more frequent basis, dependent on the determined level of risk. The Council will ensure that a 'written scheme of control' is developed and fully implemented for all properties risk assessed as requiring controls to adequately manage the risk of legionella exposure. The schemes will be assessed by The Council's competent person as high, medium or low risk.
- 6.4 The Council will ensure that a risk assessed approach for water hygiene safety is adopted as part of the void standard, when carrying out works on void properties prior to re-let. These checks will be applicable on all void properties prior to commencing works which may affect the hot and cold water systems and will ensure that any identified risk control measures are fully implemented where identified.
- 6.5 The Council will ensure audits are undertaken annually, by an independent competent person, to all systems identified as a high risk (e.g. older persons' schemes) to ensure that all control actions are being fully and robustly implemented.
- 6.6 The Council will ensure that only suitably competent consultants, surveyors, risk assessors and engineers undertake works for the organisation in respect of water hygiene safety.
- 6.7 The Council will have a robust process in place to gain access to properties where tenant vulnerability issues are known or identified, whilst ensuring the organisation can gain timely access to any property in order to be compliant with this policy and safeguard the wellbeing of the tenant.
- 6.8 The Council will establish and maintain a plan of all continuous improvement activity undertaken with regards to water hygiene safety.
- 6.9 The Council will ensure that all contractors' employee and public liability insurances are up to date on an annual basis.
- 6.10 The Council will ensure contracts/service level agreements are in place with the contractors responsible for delivering the compliance service.

- 6.11 The Council will ensure there are effective contract management arrangements in place, in the form of client-led meetings taking place regularly, with standard agendas and minutes produced, key performance indicators analysed and programmes and performance scrutinised.
- 6.12 The Council will implement a robust process to deal with all changes to stock, including new property acquisitions, disposals and stock transfers, in order to ensure that properties are not omitted from the compliance programme, and to ensure the programme remains up-to-date.
- 6.13 The Council will ensure that there is a robust process in place for the management of immediately dangerous situations identified from the risk assessment or water testing/monitoring regime.
- 6.14 The Council will adopt a proactive approach to tenant communications (for example, including water hygiene information within tenancy packs).

7. Compliance Risk Assessment/Inspection Programmes

- 7.1 **Risk assessment** – The Council will establish and maintain a risk assessment for water hygiene safety operations. This risk assessment will set out the organisation's key water hygiene risks together with appropriate mitigations.
- 7.2 **CDM** - to comply with the requirements of the Construction, Design and Management Regulations 2015 (CDM) a Construction Phase Plan will be completed for all repairs work to void and tenanted properties (at the start of the contract and annually thereafter), component replacement works and refurbishment projects where applicable.
- 7.3 **Legionella risk assessments** – The Council will carry out a programme of legionella risk assessments and risk assessment reviews to properties containing any water system that could present a risk of exposure to legionella. These risk assessments will be reviewed at least every two years, or after any works have been completed to the installation.
- 7.4 **Communal blocks and 'other' properties** - all communal blocks and 'other' properties will be subject to an initial visit to establish whether a legionella risk assessment is required. Where a risk assessment is not required then The Council will record this as such on its records, including the date of the initial visit. Where a legionella risk assessment is required The Council will ensure this communal block or 'other' property is included in the programme.
- 7.5 **Void properties** – Properties left unoccupied will be checked for dead legs, receive frequent flushing and shower head cleaning to comply with the Water Hygiene Procedure.

- 7.6 **Commercial Stock Assigned to the HRA** – The Council will ensure it has records of a valid LRA where properties it owns or manages are managed by people or organisations other than the Council (i.e. are managed by managing agents). These properties will be included on the Council's Water Hygiene programme, so a new LRA can be requested from the managing agent prior to the existing one expiring. If the managing agent fails to carry out the LRA, The Council will step in and carry out the test and re-charge the managing agent for the cost of this work.
- 7.7 The Council will carry out a programme of maintenance visits by competent persons to all properties that have a written scheme of control in place. These programmes will ensure that all maintenance and testing set out in the written scheme of control is fully completed at the times and intervals stated. The results of these visits will be recorded electronically.

8. Compliance Follow-up Work

- 8.1 The Council will ensure there is a robust process in place for the management of any follow-up works required following the completion of a legionella risk assessment or where identified by the competent person when undertaking required maintenance activities.
- 8.2 The Council will ensure that there is a robust process in place to collate and record details of all remedial works and water testing completed against individual installations.

Key controls and reporting

9. Record Keeping

- 9.1 The Council will establish and maintain a spreadsheet of all properties that have a written scheme of control for water hygiene in place. This register will also hold data against each property asset of the legionella risk assessment carried out.
- 9.2 Inspection and re-inspection dates, along with LRA and monitoring records will be held on the spreadsheet or on the shared drive.
- 9.3 The Council will establish and maintain accurate records of all written schemes of control and any associated remedial works and water testing, as per the organisation's Data Retention Policy.

- 9.4 The Council will maintain log books for all relevant sites as required to record the details of the results from the ongoing monitoring and inspection, where required.
- 9.5 The Council will hold and maintain accurate records on the qualifications of all consultants, surveyors, risk assessors and engineers undertaking water hygiene works for the organisation.
- 9.6 The Council will ensure robust processes and controls are in place to provide and maintain appropriate levels of security for all water hygiene safety related data.

10. Performance Reporting

- 10.1 Robust key performance indicator (KPI) measures will be established and maintained to ensure The Council is able to report on performance in relation to water hygiene / legionella safety.
- 10.2 KPI measures will be provided to Corporate Leadership Team on a monthly basis and The Council's Cabinet on a quarterly basis as part of the routine performance reporting cycle. As a minimum, these KPI measures will include reporting on:

10.2.1 Data – the total number of:

- Properties – split by domestic properties, communal blocks and 'other' properties;
- Properties on the LRA programme;
- Properties with a valid 'in date' LRA. This is the level of compliance expressed as a number and a percentage;
- Properties where the LRA has expired and is 'out of date'. This is the level of non-compliance expressed as a number and a percentage;
- The number of follow up works/actions arising from any risk assessments or inspections, and the numbers 'completed', 'in time' and 'overdue' – split by domestic properties, communal blocks and 'other' properties.

10.2.2 As well as an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective action;
- Progress with completion of follow-up works – number of actions – 'completed', 'in time' and 'overdue'.

11. Quality Assurance

- 11.1 The Council will appoint an independent competent person to complete a programme of compliance audits to 5 per cent of written schemes of control to ensure that all control actions are being fully and robustly implemented. In addition all schemes identified as high risk will receive an annual audit.

12. Non-Compliance/ Escalation Process

- 12.1 The definition of non-compliance in relation to this policy refers to any incident which results in a potential breach of legislation or regulatory standard, or which causes or has the potential to cause a significant risk to health or safety.
- 12.2 Any non-compliance issue identified at an operational level will be formally reported to The Council's Director of Housing and Operations in the first instance.
- 12.3 The Council's Director of Housing and Operations will agree an appropriate course of corrective action with the relevant operational team(s) in order to address the non-compliance issue and report details of the same to the Corporate Leadership Team (CLT).
- 12.4 The Director of Housing and Operations will ensure The Council's Cabinet Member for Housing, Transport and Special Projects is made aware of any non-compliance issue so they can consider the implications and take action as appropriate.
- 12.5 In cases of a serious non-compliance issue The Council's Corporate Leadership Team and Monitoring Officer will consider whether it is necessary to disclose the issue to the Regulator of Social Housing in the spirit of co-regulation, or any other relevant organisation such as the HSE, as part of the Regulatory Framework.

13. Training

- 13.1 The Council will ensure that all operatives working for, or on behalf of, the organisation have the relevant training required for their role. This will be managed via periodic assessments of training needs and resulting programmes of internal and/or external training.

14 Equality and Diversity

- 14.1 An Equality Impact Assessment has been carried out to determine whether the policy would have an impact on any member of staff, tenants or contractor workforce, which unfairly discriminates or disadvantages them in the context of the Equality Act 2010. Adherence to the policy provides the same level of protection for all building users and no impacts have been identified that would adversely affect one group more than any other.