LANDLORD FACILITIES HEALTH, SAFETY & WELFARE MANAGEMENT SYSTEM

CONTROL MANUAL

ORGANISATION NAME	**Milnbank Housing Association**

MANUAL COPY NO.	**MASTER** **COMMITTEE APPROVAL AUGUST 2024** **(UPDATED NOVEMBER 2024, MAY 2025, OCTOBER 2025)**

October 2025 Version

MANUAL DISTRIBUTION
This Manual is subject to the Document Control procedure defined herein.

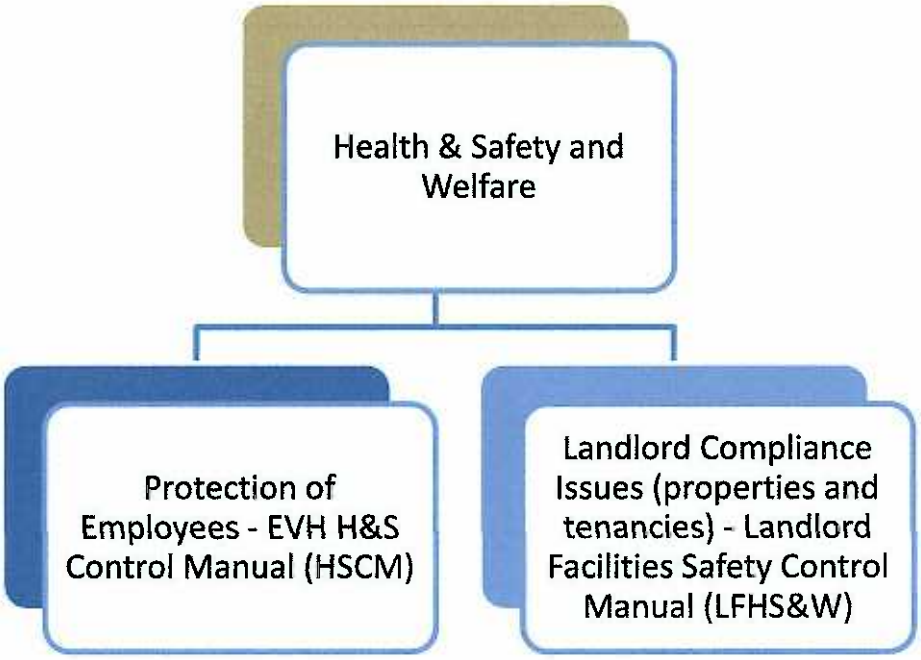
ELECTRONIC VERSION OF MANUAL	
FILING LOCATION	**PARTIES WITH ACCESS TO VIEW**
Teams Health & Safety	All MHA Employees
Teams Committee – Health & Safety	All Management Committee Members

Preface to LFHS&W System

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

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

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



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

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

LANDLORD FACILITIES SAFETY CONTROL MANUAL							
SECTION	1.0	**REVISION**	0	**DATE**	Oct 2016	**PAGES**	1
ASPECT	AMENDMENT REGISTER						

1. Purpose

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

2. Associated Documentation and Records

2.1 Historic Policies & Procedures Archive File

3. Procedures

3.1 Where any amendment is made to the text or other content of this Manual, the Facilities Safety Administrator (FSA) shall ensure that the amendment is duly authorised and referenced. The outgoing section shall be removed from the Manual, the amended version inserted and the Amendment Register updated. The outgoing section shall be archived in a dedicated file for reference purposes.

3.2 All personnel holding a copy of the Manual shall be provided with copies of the amended pages and an updated copy of this Amendment Register.

3.3 All personnel to whom the amendment may have relevance shall be made aware of the amendment and its contents, and shall provide written acceptance of the amended procedure.

3.4 All copies of the Manual and associated documentation will remain legible and readily accessible by appropriate personnel, Authorities and in the event of an emergency. Any damaged or lost articles contained within the Manual or associated documentation must be reported to the FSA immediately, who will then re-issue the affected material and update the Amendment Register appropriately.

Date	Removed			Inserted			Prepared by	Approved by
	Aspect	Section	Rev.	Aspect	Section	Rev.		
06.08.24	n/a	n/a	n/a	Approved Manual	n/a	n/a	Linda Sichi (Deputy CEO)	Management Committee
05.11.24				EVH Sept. 2024 Update			Linda Sichi (Deputy CEO)	Management Committee
16.05.25				MHA Update			Mark Smith (Director of AM)	Management Committee

1. Purpose

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

2. Contents Tables

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

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

2.3 Section 7 covers the topic-specific policies and procedures, relating to specific hazards, risks and topic-specific legislation.

2.4 Section 8 provides guidance on a number of the policies detailed in Section 7. Much of the information contained in the guidance is too detailed to be included in 'policy' but provides additional ideas for future development of policies and on best practice.

LANDLORD FACILITIES SAFETY CONTROL MANUAL							
SECTION	2.0	**REVISION**	4	**DATE**	Sept 2023	**PAGES**	3
ASPECT	CONTENTS						

SECTION	ASPECT / TITLE	SUB-SECTIONS
0.0	Title Page	-
0.1	Preface	-
1.0	Amendment Register	-
2.0	Contents	-
3.0	Scope of System	(Including Interaction with Health & Safety Control Manual)
4.0	LFHS&W Policy Statement	-
5.0	Roles and Responsibilities	Contents
5.1		Definition of Roles
5.2		Competence, Training and Awareness
5.3		Emergency Contact Details
6.0	Management Reviews	Contents
6.1		Annual Management Review
6.2		Management Committee and LFS Committee
6.3		Incident Investigation, non-conformity, corrective and preventive action
7.0	Topic Specific Policies	Contents
7.1		Asbestos in Tenancies
7.2		Anti-social Behaviour
7.3		Business Continuity, Emergency Preparedness and Response
7.4		Construction Design and Management (CDM)
7.5		Cleaning and Cleanliness
7.6		Commercial Leases
7.7		Contractor Selection and Control
7.8		Domestic Pets
7.9		Electrical Safety
7.10		Energy Performance Certificates
7.11		Event Risk Management
7.12		Fire Safety in Housing Stock and Common Areas
7.13		Furnished Premises – Safety Standards
7.14		Gas Safety and Inspection
7.15		Hygiene of Tenancies
7.16		Information to Tenants and Tenancy Agreements
7.17		Lifts Safety
7.18		Lighting
7.19		Plant, Equipment and PPE
7.20		Play Parks Safety
7.21		Premises Fitness and Repair
7.22		Re-development of Land and Buildings
7.23		Security
7.24		Ventilation and Fresh Air
7.25		Waste Management
7.26		Water Systems and Legionella
7.27		Infestations
7.28		Privately Rented Properties
7.29		Property Factoring
7.30		Damp and Mould
7.31		Sheltered Housing
8.0	Topic Specific Guidance	Contents
8.1		Anti-social Behaviour
8.2		Construction Design and Management (CDM)
8.3		Cleaning and Cleanliness
8.4		Electrical Safety
8.5		Event Risk Management
8.6		Fire Safety in Housing Stock and Common Areas
8.7		Gas Safety and Inspection
8.8		Hygiene of Tenancies
8.9		Lifts Safety
8.10		Lighting
8.11		Play Parks Safety
8.12		Premises Fitness and Repair
8.13		Security
8.14		Water Systems and Legionella
8.15		Infestations
8.16		Privately Rented Properties
8.17		Tolerable Standard

2017 Updates

	Topic Specific Policies	
7.27		Infestations
7.28		Privately Rented Properties
	Topic Specific Guidance	
8.15		Infestations
8.16		Privately Rented Properties
8.17		Tolerable Standard

2018 Updates

	Topic Specific Policies	
7.29		Property Factoring
	Appendices	
9.0		Contents
9.1		Appendix 1 – Pre-Audit Checklist

2021 Updates

6.2		Management Committee and LFS Committee
6.3		Incident Investigation, non-conformity, corrective and preventive action
7.1		Asbestos in Tenancies
7.12		Fire Safety in Housing Stock and Common Areas
7.14		Gas Safety and Inspection
7.17		Lifts Safety
7.26		Water Systems and Legionella
8.6		Fire Safety in Housing Stock and Common Areas
8.9		Lifts Safety
8.11		Play Parks Safety

Note that all other sections of the manual were subject to a formal review in October 2021 and where no modification to policy was deemed necessary the existing revision number and date has remained unchanged.

2022 Updates

	Topic Specific Policies	
7.9		Electrical Safety
7.12		Fire Safety in Housing Stock and Common Areas
7.13		Furnished Premises – Safety Standards
7.20		Play Parks Safety
7.21		Premises Fitness and Repair
7.26		Water Systems and Legionella
	Topic Specific Guidance	
8.4		Electrical Safety
8.5		Event Risk Management
8.6		Fire Safety in Housing Stock and Common Areas
8.9		Lifts Safety
8.10		Lighting
8.14		Water Systems and Legionella
	Appendices	
9.1		Appendix 1 – Pre-Audit Checklist

2023 Updates

	Topic Specific Policies	
7.9		Electrical Safety
7.10		Energy Performance Certificates
7.12		Fire Safety in Housing Stock and Common Areas
7.26		Water Systems and Legionella
7.30		Damp and Mould

	Topic Specific Guidance	
8.4		Electrical Safety
8.5		Event Risk Management
8.9		Lifts Safety
8.14		Water Systems and Legionella

2024 Updates

	Management Reviews	
6.0		Contents
6.3		Incident Investigation, non-conformity, corrective and preventive action
	Topic Specific Policies	
7.0		Contents
7.8		Domestic Pets
7.9		Electrical Safety
7.17		Lifts Safety
7.26		Water Systems and Legionella
7.27		Infestations
7.28		Privately Rented Properties
7.31		Sheltered Housing
	Topic Specific Guidance	
8.4		Electrical Safety
8.9		Lifts Safety
8.14		Water Systems and Legionella
8.15		Infestations
8.16		Privately Rented Properties

1. Purpose

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

2. Definitions

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

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

3. Associated Documentation and Records

3.1 Occupational Health, Safety & Welfare Management System (HSCM)

4. Scope of Landlord Facilities HS&W Management System

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

4.2 The Organisation operates an Occupational HS&W Management System, defined within a H&S Control Manual (HSCM). Whilst the HSCM covers the responsibilities of the Organisation as an 'employer', the Landlords Manual covers the specific responsibilities placed on the Organisation as a 'landlord'. There will be an inevitable cross-over in some policies, particularly where the one set of Regulations applies to employers and landlords so users of this system are encouraged to familiarise themselves with the contents of the HSCM.

c) All Statutory inspection regimes are maintained so far as reasonably practicable to comply with legislation, codes of practice and best practice.

d) Adequate information is made available to tenants and others in relation to facilities and premises related hazards and risks.

e) Employees are provided with such instruction, information, training and supervision as is necessary to ensure the Landlord's HS&W responsibilities may be adequately discharged.

f) This Policy Statement, and all supporting Policies, Procedures and Arrangements shall be reviewed and updated as and when it is necessary or appropriate and at least annually. Communication of any such changes shall be made to all employees.

3.5 To enable the Organisation to meet its statutory duties and commitments set out above, a comprehensive LFHS&W Management System shall be operated, which shall include written Policies, Procedures and Arrangements for all relevant areas of HS&W Management relevant to the role of a Landlord. These shall be set out in a Control Manual, which shall be adopted by the Management Committee and the Chief Executive. All relevant employees shall be provided with adequate information, instruction and training in the contents of the Manual and in risk management issues relevant to their work.

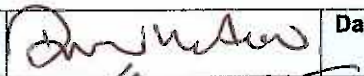
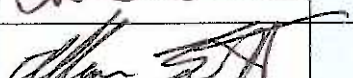
3.6 This Policy Statement shall be presented on the Organisation's web site to ensure that all interested parties can view this commitment to Landlord's HS&W and on all staff notice boards. Parties requiring further, more detailed information on the system shall be provided with all such reasonable information by the Organisation's Facilities Safety Advisor (FSA).

3.7 It shall be the duty of all **employees** with defined responsibilities under this system to:

a) Co-operate with the Organisation so far as is necessary to ensure compliance with any duty or requirement imposed on the Organisation, or any other person, under any relevant statutory duties.

b) Comply with any safe working procedures, practices or 'rules' set out by the Organisation and with the information, instruction and training provided.

3.8 All accidents, incidents, ill health and near misses associated with a potential breach of Landlord's duties shall be reported to the Chief Executive and shall be appropriately investigated and reported to external Authorities/Bodies where appropriate.

Chief Executive	Paul Martin	**Signature**		**Date**	13/10/25
Chair of Management Committee	Allan Scott	**Signature**			14/10/25
				Review	

1. Purpose

1.1 To define the HS&W policy of the Organisation in relation to its responsibilities as a Landlord and to demonstrate the commitment of the Management and personnel to implement this policy.

1.2 To set out the policy upon which the full LFHS&W Management System is based.

2. Associated Documentation and Records

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

3. Landlord Facilities HS&W Policy Statement

3.1 The Chief Executive holds overall executive control and is, therefore, responsible for the conduct of the Organisation from a Landlord's Facilities Health, Safety & Welfare perspective.

3.2 The Organisation shall ensure that accountability and responsibility for the implementation and operation of facilities related Health & Safety and Welfare arrangements is discharged by formally appointed personnel of appropriate seniority and competence and that adequate resources are allocated to these roles.

3.3 A range of topic specific legislation imposes statutory duties on Landlords in relation to the protection of the Health, Safety and Welfare of tenants and others who may be affected by the Organisation's undertaking as a Landlord. To enable these statutory duties to be carried out, it is the policy of the Organisation, so far as is reasonably practicable, to ensure that responsibilities for Health, Safety and Welfare are assigned, accepted and fulfilled at all levels of the Organisation; that all practicable steps are taken to manage the Health, Safety and Welfare tenants and others; and to conduct the business in such a way that the health and safety of tenants, service users, visitors, contractors and the public is not put at risk.

3.4 It is the Policy of the Organisation, so far as is reasonably practicable, to prevent injuries, incidents and ill-health that may be associated with its property portfolio and to ensure that:-

a) The living environment of all tenants is safe and without risks to health or safety and that adequate provisions are made with regard to the safety of premises and facilities.

b) Plant, machinery and equipment are safe and without risks to the health or safety of tenants, service users, contractors and any other person who may be affected with regard to any premises or operations under the Organisation's control.

1. Contents

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

1. Purpose

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

2. Responsibilities – Overview

2.1 It is recognised that the successful management of LFHS&W across the Organisation's property portfolio and tenancies requires the commitment of Senior Management and all persons with responsibility for delivering the Landlord's duties.

2.2 All employees have a responsibility to diligently discharge their duties in relation to the provision of health, safety and welfare requirements across tenancies. This will include the delivery of processes and procedures to comply with specific Regulations on safety related issues. Those in positions of responsibility have additional obligations, by virtue of their 'managerial' functions. Indeed, the Health & Safety Executive (HSE) document *Enforcement Policy Statement*, HSE41(rev1), notes the following on 'Prosecution of individuals':

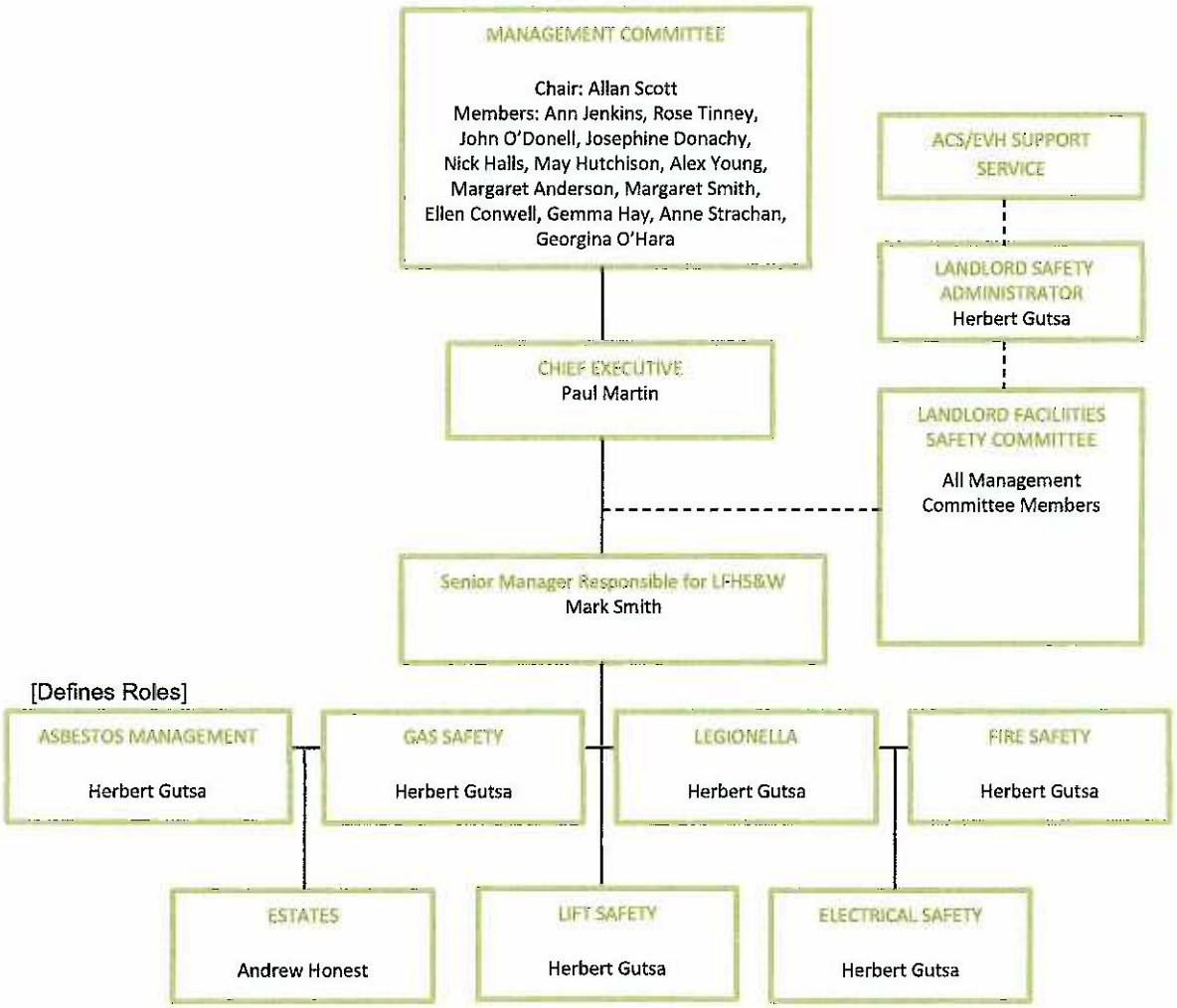
> "*... enforcing authorities should identify and prosecute or recommend prosecution of individuals if they consider that a prosecution is warranted. In particular, they should consider the management chain and the role played by individual directors and managers, and should take action against them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

3.2 The following sections set out the principal Landlord related HS&W related responsibilities of individuals within the Organisation. These duties shall be in addition to the general duty on all employees to ensure the Health, Safety and Welfare of themselves and all others who may be affected by their undertakings.

3.3 In addition to the *individual* liability of senior staff, the *Corporate Manslaughter and Corporate Homicide Act 2007* allow *companies* and *corporations* to be prosecuted for corporate manslaughter (in England, Wales & N. Ireland) and, corporate homicide (in Scotland) where serious management failures result in death. Under this Act there is no longer the need to identify a 'controlling mind' (i.e. one individual whose negligence or recklessness caused the death) to convict an Organisation of homicide, thus making it easier to prosecute Organisations.

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

4. LFHS&W Organisation Chart



5. Responsibilities – Management Committee/Board of Directors

5.1 The Management Committee, headed by a Chairperson, comprises 'lay persons' from the local community, acting as a body to oversee the operations carried on by the Organisation.

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

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

5.4 The Committee will place 'LFHS&W' as a standing item on the Agenda of all general meetings. This will allow the Chief Executive to report on performance, funding requirements, failures and other LFHS&W related issues. The Committee will give all such issues due consideration and will make available all reasonable funding and support as may be required.

5.5 The Committee will review the findings of all internal and external LFHS&W audits carried out within the Organisation and will authorise the use of all reasonable support required to rectify any significant non-compliances identified by the audits.

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

5.7 All Committee members will undergo training in 'Landlord's Facilities Health & Safety Awareness' and in their Management responsibilities. This will ensure that all members have a working knowledge of the topic, which will assist in the discussion of LFHS&W at all meetings. This should also assist the Committee in determining whether the Chief Executive is managing LFHS&W adequately within the Organisation.

5.8 The Committee shall accept their responsibilities below and review their responsibilities at least annually.

Name of Committee Member	Allan Scott	Signature		Date	28/10/25
Name of Committee Member	Ann Jenkins	Signature		Date	10/11/2025
Name of Committee Member	Josephine Donachy	Signature		Date	19/10/25
Name of Committee Member	Rose Tinney	Signature		Date	14-10-25
Name of Committee Member	John O'Donell	Signature		Date	20.10.25
Name of Committee Member	May Hutchison	Signature		Date	28.10.25
Name of Committee Member	Alex Young	Signature		Date	14/10/25
Name of Committee Member	Anne Strachan	Signature		Date	14-10-25
Name of Committee Member	Margaret Smith	Signature		Date	14/10/25
Name of Committee Member	Gemma Hay	Signature		Date	28/10/25
Name of Committee Member	Georgina O'Hara	Signature		Date	28/10/25
Name of Committee Member	Ms Linda Marshall	Signature		Date	28/10/25
Name of Committee Member	Miss Susanne Richards	Signature		Date	14.10.25
Review Date					

6. Responsibilities - Chief Executive

6.1 The Chief Executive is responsible for the general day to day running of the Organisation. It is recognised that this function incurs the overall responsibility for LFHS&W management within the Organisation and the requirements of this Manual will be adopted to ensure adequate provisions are made and maintained.

6.2 The Chief Executive will appoint a competent Director or Senior Manager who shall be responsible for taking executive control of the implementation of the LFHS&W system and for implementing the Management Committee's vision/plan for LFHS&W.

6.2 The Chief Executive will endorse the LFHS&W Policy and this Manual and will sign the Policy Statement along with the Chairperson of the Management Committee. Where there is a change of personnel, the incoming Chief Executive will sign the Policy to demonstrate commitment and acceptance of responsibilities.

6.3 The Chief Executive will hold *ultimate responsibility* for the implementation of the Organisation's policy, procedures and arrangements (this Manual and associated documentation), although the Senior Manager Responsible for LFHS&W will have executive control of this function. To this end, s/he will appoint an adequate number of competent persons to achieve and maintain legal compliance. This will include a Facilities Safety Administrator (HSA). The Chief Executive will also take all appropriate action to reduce the risks to tenants and others arising from the business undertaking and to improve the health and safety performance of premises. The Chief Executive may be held liable where offences are committed with his/her consent or connivance or as a result of his/her negligence (Health & Safety at Work etc. Act 1974, Section 37(1)).

6.4 The Chief Executive will report on LFHS&W performance, funding requirements, safety failures and other related issues at each Management Committee meeting, as well as make available all internal and external audit reports to the Committee. Fully justified requests will be made to the Committee for any resources, support or funding required for LFHS&W purposes.

6.5 The Chief Executive will ensure that LFHS&W considerations are taken into account for all new investment opportunities and in the Organisation's estates/property development policy. The objective will be to design out risks so far as is reasonably practicable.

6.6 The Chief Executive will be responsible for allocating duties, resources and funds as appropriate to implement and maintain the LFHS&W system and as may be reasonably requested by the Senior Manager Responsible for LFHS&W.

7. Responsibilities – Senior Manager Responsible for LFHS&W

7.1 The Senior Manager Responsible for LFHS&W shall be responsible for taking executive control of the implementation of the LFHS&W system and for implementing the Management Committee's vision/plan for LFHS&W. This role will be regarded as one of 'senior management representation' for LFHS&W and for technical compliance with the Landlord's HS&W duties.

7.2 The Senior Manager will provide operational support to the Chief Executive and discharge many of the day-to-day management tasks required in the running of the Organisation's LFHS&W system. It is, therefore, recognised that this function incurs some significant responsibility in terms of the Landlord's HS&W duties. In particular, the Senior Manager may be held liable where Health & Safety offences are committed with his/her consent or connivance or as a result of his/her negligence.

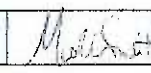
7.3 The Senior Manager will be responsible for ensuring the maintenance of an adequate programme of technical assessments and remedial action, allocating duties and resources as appropriate to keep assessments and control measures current. The Senior Manager will also ensure that any remedial measures agreed with the Chief Executive are effectively actioned.

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

7.5 The Senior Manager will give due consideration to all LFHS&W related requests from the FSA, technical staff and tenants, taking appropriate action where necessary and requesting support / approval from the Chief Executive where required.

7.6 The Senior Manager will take an active participation in the Landlord's Facilities Safety Committee. This will involve the raising of pertinent issues for consideration by the Committee and the reporting of Committee concerns to the Chief Executive and other staff as may be appropriate.

7.7 The Senior Manager will give all LFHS&W related queries due consideration, liaising with the Chief Executive, FSA, technical staff and all other relevant persons as appropriate.

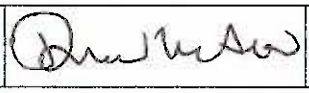
Name	Mark Smith	Signature		Date	09.10.25
Review Date					

6.7 The Chief Executive will ensure that adequate communication channels exist throughout the entire Organisation to allow LFHS&W issues to be dealt with timeously and effectively. All staff and tenants will be given the opportunity to raise any LFHS&W related queries with appropriate management staff.

6.8 The Chief Executive will ensure that all significant safety failures are fully investigated and reported to the Management Committee. S/he will also ensure that all necessary support is sought to adequately investigate the situation and develop suitable remedial measures to reduce the likelihood of a similar incident recurring.

6.9 The Chief Executive will undergo training in 'Landlord's Facilities Health & Safety Awareness'.

6.10 The Chief Executive shall accept their responsibilities below and review these responsibilities at least annually.

Name	Paul Martin	Signature		Date	13/10/25
Review Date					

Name of Committee Member	Allan Scott	Signature		Date	28/10/25
Name of Committee Member	Ann Jenkins	Signature		Date	10/11/2025
Name of Committee Member	Josephine Donachy	Signature		Date	19/10/25
Name of Committee Member	Rose Tinney	Signature		Date	16-10-25
Name of Committee Member	John O'Donell	Signature		Date	20.10.25
Name of Committee Member	May Hutchison	Signature		Date	28-10 25
Name of Committee Member	Alex Young	Signature		Date	14/10/25
Name of Committee Member	Anne Strachan	Signature		Date	14-10-25
Name of Committee Member	Margaret Smith	Signature		Date	14/10/25
Name of Committee Member	Gemma Hay	Signature		Date	28/10/25
Name of Committee Member	Georgina O'Hara	Signature		Date	28/10/25
Name of Committee Member	Ms Linda Marshall	Signature		Date	28/10/25
Name of Committee Member	Miss Susanne Richards	Signature		Date	14-10-25
Review Date					

8. Responsibilities – Landlord's Facilities Safety (LFS) Committee

8.1 The LFS Committee will provide an open forum for the discussion of all health, safety and welfare and risk compliance issues which come under the scope of the Organisation's duties as a Landlord. The Committee will be Chaired by the Senior Manager Responsible for LFHS&W and members will be drawn from the technical functions delivering compliance support.

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

8.3 The Committee will suggest solutions and initiatives for issues arising, which will be minuted and presented to the Chief Executive following each meeting, without undue delay.

8.4 Where appropriate, the Committee will draft proposed revisions to policy, procedures and arrangements, for ultimate approval by the Chief Executive and Management Committee.

8.5 The Committee will review the LFHS&W performance of the Organisation, analysing findings from technical assessments, reports on compliance issues, common challenges and data from other information gathering exercises. Recommendations on options to improve LFHS&W performance will be made to the Chief Executive without undue delay.

8.6 Committee Members will acknowledge this policy on an annual basis, overleaf.

9. Responsibilities – Employees with technical compliance duties

9.1 While the duties of management staff have been made clear in previous sections, it is recognised that technical compliance issues will be controlled by individual staff members. Technical staff will be provided with all appropriate instruction, training, information and support to ensure their duties may be effectively discharged. This may require specific training on technical compliance issues.

9.2 Employees will comply with the relevant policies, procedures and arrangements set out in the LFHS&W Control Manual and with any information, instruction and training provided.

9.3 Employees will report to their HoD or Senior Manager responsible for LFHS&W, any identified breaches of HS&W procedures, any accidents or safety related incidents or near misses and any aspect which appears to them to give rise to a significant risk to the health, safety or welfare of tenants or other persons. Such reports will be made without undue delay.

9.4 Employees will inform their HoD or Senior Manager responsible for LFHS&W, without undue delay, where they believe that further training or other risk control measures would be beneficial.

9.5 Employees will co-operate in all safety programmes, training and other initiatives that are intended to reduce risk or improve their competencies and will actively implement any control measures identified as being required.

9.6 Employees' defined roles and areas of responsibility in relation to LFHS&W will be recorded below.

name	Job Title	Role/Area of Responsibility
Paul Martin	**CEO**	**H&S etc. being implemented & monitored across MHA**
Mark Smith	**Director of Assert Management**	**H&S Compliance**
Herbert Gutsa	**Maintenance Co-Ordinator**	**Facilities Safety Administration**
Linda Sichi	**Deputy CEO**	**HR**
Chris Chalk	**Director of Housing & Community Initiatives**	**Housing and wider role**
Jim Gourlay	**Director of Finance**	**Financial**
Gerard Boylan	**Asset Co-ordinator**	**Asset Management**
Andrew Honest	**Estates Supervisor**	**Estates Landscaping & Bulk**

10. Responsibilities – Facilities Safety Administrator (FSA)

10.1 The function of the FSA is, by definition, one of '**administration**' as opposed to '**management**'. The FSA will be fully supported by the Chief Executive and Senior Manager Responsible for LFHS&W.

10.2 The FSA will undergo suitable training, which will include as a minimum 'Landlord's Facilities Health & Safety Awareness' and instruction in the administration duties expected of him/her by the Senior Manager Responsible for LFHS&W.

10.3 The FSA will maintain the Master Control Manual and the record keeping system in an up to date and tidy condition. This will include the dissemination of all Manual updates to Manual holders and the filing of appropriate records.

10.4 The FSA will provide assistance to the Chief Executive, Senior Manager Responsible for LFHS&W, LFS Committee and HoD's from an *administration* perspective. This may involve liaison with the EVH/ACS Support Service and the communication of correspondence between parties.

10.5 The FSA will be responsible for communicating relevant LFHS&W information throughout the Organisation and to tenants, where appropriate.

10.6 The FSA will acknowledge this policy on an annual basis, below.

Name	Herbert Gutsa	Signature	H Gutsa	Date	15/10/25
Review Date					

1. Purpose

1.1 To ensure that all personnel with delegated compliance responsibilities and duties are competent to carry out, supervise or monitor the activities, taking account of appropriate education, training and experience.

1.2 To effectively manage the competency control process and to maintain and retain appropriate records.

2. Definitions

2.1 'Awareness' – in terms of HS&W means to be conscious of HS&W issues, e.g. hazards, risks and risk control.

2.2 'Competence' – is the demonstrated ability to evaluate and apply knowledge and skills, whilst acknowledging one's limitations.

3. Competence and Training

3.1 The Senior Manager responsible for LHS&W will be qualified and experienced in the area of facilities/landlords' risk management with demonstrable competence in managing compliance issues across property portfolios.

3.2 The Senior Manager responsible for LHS&W shall identify the competency requirements for individuals within the team who have delegated duties of a compliance or LFHS&W nature. Where the need for additional information, instruction and training is identified, this shall be reported to the Chief Executive without delay.

3.3 The Organisation shall operate and maintain a Competency Framework Programme, which shall comprise:

1. A Training Needs Analysis (TNA) for all core functions and job roles within the LFHS&W operations.
2. The TNA will include additional specific training requirements for key personnel with topic-specific responsibilities.
3. Records identifying the dates and/or frequency of training due (including 'refresher training').
4. TNA review programme following a change of process, incident, and at least annually.

3.4 The LFS Committee shall be responsible for approving the Competency Framework, including any additions or deletions.

3.5 The HR Department shall be responsible for the maintenance and operation of the Competency Framework and for ensuring all training is provided timeously.

3.6 The Senior Manager responsible for LHS&W, with the support of the LFS Committee, shall identify and appoint competent trainers / instructors to carry out the required training.

3.7 The HR Department shall be responsible for maintaining records of all information, training and instruction provided to individual employees.

3.8 The following minimum competence and training requirements shall apply to those with specific LFHS&W responsibilities and shall be incorporated into the competency framework:

3.8.1 Management Committee – Training in 'Landlord's Facilities Health & Safety Awareness', ideally incorporating a leadership / corporate governance focus.

3.8.2 Chief Executive – Training in 'Landlord's Facilities Health & Safety Awareness' and 'Health and Safety Awareness Training', ideally incorporating a leadership / corporate governance focus.

3.8.3 Senior Manager Responsible for LFHS&W – Suitable qualifications and experience commensurate with a compliance management role and 'Landlord's Facilities Health & Safety Awareness', ideally incorporating a leadership / corporate governance focus.

3.8.4 FSA – Training in 'Landlord's Facilities Health & Safety Awareness' and job-specific instruction (in-house training).

3.8.5 LFS Committee – Training in 'Landlord's Facilities Health & Safety Awareness'.

3.8.6 Employees with specific LFHS&W Duties (e.g. Asbestos Co-ordinator, Legionella Co-ordinator, etc.) – Training in 'Landlord's Facilities Health & Safety Awareness' and topic-specific specific training as appropriate and required by legislation / good practice.

3.9 Training effectiveness shall be evaluated in a number of ways, depending upon the specific course provided. This shall include examination and certification, peer review and via the results in internal audits, risk assessments and inspections.

3.10 Each employee shall be subject to a formal appraisal process annually, which shall include appraisal of training carried out to date and any outstanding training due to be undertaken.

1. Purpose

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

2. Emergency Contacts

Topic	Company / Organisation	Contact Details
Asbestos	Enviraz	0141 882 1414
Dogs / Animals	Scottish SPCA	0300 099 9999
Electricity	Scottish Power	0141 568 2000
Environmental Issues	Glasgow City Council	0141 287 1058
Fire	Emergency Services	999
Flood / Water	Scottish Water	0800 077 8778
Gas	SGN / James Frew	0800 111 999 / 01294 468 113
Lifts	Orona	01698 803 901
Legionella	H2O Legionella Control	0141 571 2105
Needle Collection / Body Fluids	Caledonian Maintenance	0141 445 7950
Pest Control	Glasgow City Council	0141 287 1059
Police	Emergency Services	999 / 101
Security	Assured24 (monitoring) / HF Fire & Security	0141 563 3037 / 0141 429 5575
Waste	Glasgow City Council	0141 287 1058

LANDLORD FACILITIES SAFETY CONTROL MANUAL							
SECTION	6.0	**REVISION**	1	**DATE**	Aug 2024	**PAGES**	1
ASPECT	MANAGEMENT REVIEWS – Contents						

1. Purpose

1.1 Section 7 of this Control Manual defines the policies and procedures in place to fulfil the requirements of BS ISO45001.

2. Contents

6.1 Annual Management Review
6.2 Management Committee and LFS Committee
6.3 Incident Investigation, non-conformity, corrective and preventive action

1. Purpose

1.1 To ensure Senior Management regularly review the Organisation's LFHS&W Management System on a formal basis to ensure its continuing suitability, adequacy and effectiveness.

2. Definitions

2.1 'Management Review' – Review of the overall Management System by top Management of the Organisation.

3. Management Review

3.1 The Organisation recognises the importance of ensuring effective compliance with all relevant health, safety, welfare, security and related legislation and good practice across its properties and tenancies.

3.2 The Senior Manager Responsible for LFHS&W shall prepare an overall **LFHS&W Annual Report** for the Chief Executive, LFS Committee and Management Committee on an annual basis, summarising the performance in the outgoing year together with recommendations for corrective and preventive action and suggestions to achieve continual improvement. This shall form the basis of a formal annual Management Review of LFHS&W, which will involve a minuted discussion between the Management Committee, Chief Executive, Senior Manager and other personnel as may be deemed appropriate. A **Management Review Record / Forward Plan** will be produced from the meeting.

3.3 All relevant personnel and groups shall be fully informed of actions, amendments and changes which may affect policies and procedures or which require action on their part.

3.4 The Senior Manager shall be responsible for ensuing all actions are timeously and effectively discharged.

1. Purpose

1.1 To ensure the Management Committee has opportunity to formally review the performance of LFHS&W on a regular basis.

1.2 To provide an open forum amongst technical/compliance personnel allowing regular discussion of LFHS&W issues.

2. References

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

3. Management Committee

3.1 The Management Committee will place 'LFHS&W' as a standing item on the Agenda of all general meetings. This will allow the Chief Executive to report on performance, funding requirements, failures and other LFHS&W related issues. The Committee will give all such issues due consideration and will make available all reasonable funding and support as may be required.

3.2 The Committee will review the findings of all internal and external LFHS&W audits carried out within the Organisation and will authorise the use of all reasonable support required to rectify any significant non-compliances identified by the audits.

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

3.4 The Committee will review the Annual Report prepared by the Senior Manager Responsible for LFHS&W and will take an active part in the Annual Review.

4. LFS Committee

4.1 The LFS Committee will meet formally on a quarterly basis.

4.2 The Committee will provide an open forum for the discussion of all health, safety and welfare and risk compliance issues which come under the scope of the Organisation's duties as a Landlord. The Committee will be Chaired by the Senior Manager Responsible for LFHS&W and members will be drawn from the technical functions delivering compliance support.

4.3 The Committee will suggest solutions and initiatives for issues arising, which will be minuted and presented to the Chief Executive following each meeting, without undue delay.

4.4 Where appropriate, the Committee will draft proposed revisions to policy, procedures and arrangements, for ultimate approval by the Chief Executive and Management Committee.

4.5 The Committee will review the LFHS&W performance of the Organisation, analysing findings from technical assessments, reports on compliance issues, common challenges and data from other information gathering exercises. Recommendations on options to improve LFHS&W performance will be made to the Chief Executive without undue delay.

4.6 The Committee will review the Annual Report prepared by the Senior Manager Responsible for LFHS&W and will take an active part in the Annual Review.

4.7 The organisation should develop its own suitable and realistic Agenda, however the following suggests a range of typical topics for inclusion:

1. incident events and statistics
2. reported breaches of policy and procedures
3. enforcement actions
4. statutory compliance programmes, risk assessments, facilities safety programmes etc.
5. audit and inspection reports
6. current liability issues (from EVH, SSB, legal changes, etc.)
7. management, staff, tenant and contractor enquiries or comments on safety / environmental issues
8. recommendations on options to improve facilities risk performance

1. Purpose

1.1 To ensure all 'incidents' (see Definition below) are adequately recorded, investigated and analysed.

1.2 To ensure lessons are learned from the investigation of incidents to reduce the likelihood of reoccurrences.

1.3 To ensure the timely identification of actual and potential non-conformities against the LFHS&W Management System and for the taking of appropriate corrective and preventive action.

2. Definitions

2.1 'Incident' – In this context, 'incident' means an event from which an injury or ill-health or fatality occurred or could have occurred. It includes all *accidents, incidents, near misses, emergencies and occupational related ill-health*. For the avoidance of doubt, the identification of previously unforeseen hazards or risks should also be included in this definition.

2.2 'RIDDOR' – Reporting of Injuries, Diseases and Dangerous Occurrences Regulations.

2.3 'Non-Conformity' – Non-fulfilment of a requirement and / or deviation from the work standards, procedures or practices set out by the LFHS&W Management System or a legal requirement.

2.4 'Notifiable Event' – defined by the Scottish Housing Regulator as an event that may:

- adversely affect the interests and safety of tenants, people who are homeless or other service users
- threaten the stability, efficient running or viability of service delivery arrangements
- put at risk the good governance and financial health of the organisation
- bring, or risk bringing, the RSL into disrepute, or raise public or stakeholder concern about the RSL or the social housing sector.

3. Incident Investigation

3.1 All incidents will be reported without undue delay to the Senior Manager Responsible for LFHS&W.

3.2 The Senior Manager shall consider the seriousness of the situation and any immediately obvious causes. Only when an investigation is considered unnecessary, i.e. where it is clear that the event would be unlikely to re-occur, shall the findings record that no investigation is warranted.

3.3 Where an investigation is warranted, the Senior Manager shall, without delay, carry out a full investigation, which shall address the immediate causes, any contributory causes, faulty equipment or control measures, site rules broken by the casualty or any other member of staff, necessary corrective action and

required reviews of policies and procedures. The investigation shall also report on the 'root cause(s)' of the incident. The Senior Manager may take photographs, interview other employees and use other appropriate information gathering techniques.

3.4 Specialist third parties will be invited to investigate and/or take part in the investigation where deemed appropriate.

3.5 The findings of any investigation shall be recorded in a report made by the Senior Manager, which shall be filed, and a copy submitted to the Chief Executive and the LFS Committee for review and comment.

3.6 Where the investigation and subsequent review highlights the need for policy or procedural changes, or any other corrective action, the LFS Committee shall be responsible for managing the change process.

3.7 All relevant personnel shall be informed of the outcome of the investigation and of any corrective action taken.

3.8 Incident investigation, and the resultant introduction of improvements / amendments to policy or procedure, is recognised as a crucial protocol in achieving continual improvement and 'follow-up' reviews will be carried out at an appropriate time following each investigation to determine whether real improvements have been realised in practice. Such reviews will be formally recorded in the investigation file.

4. Non-Conformity, Corrective Action and Preventive Action

4.1 It shall be the responsibility of the Senior Manager Responsible for LFHS&W to ensure an "open culture" is developed and maintained within the compliance department. Employees shall be encouraged to communicate their concerns about LFHS&W non-conformities to Management without prejudicial reprise.

4.2 A number of monitoring and measuring tools are utilised throughout the management of LFHS&W which provide data on conformity to the Management System. These are defined in the topic-specific procedures. Therefore, the existing arrangements provide for the identification of non-conformities and define appropriate action for the identification of corrective and preventive action.

4.3 Where any actual or potential non-conformity is identified, the Senior Manager should be informed without delay. The Senior Manager will consider the actual or potential non-conformity on its merits. Where warranted, s/he shall carry out a formal investigation. This shall aim to identify the 'root cause' of the actual or potential non-conformity, and provide corrective or preventative action to eliminate the situation. (See Incident Investigation, above).

5. Recording and Reporting

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

5.2 All Notifiable Events, as defined by the Scottish Housing Regulator (SHR) and outlined in 2.4 above, must be reported to the SHR. Notifiable Events include:

- governance and organisational issues
- performance and service delivery issues
- financial and funding issues

5.3 Notifiable Events must be reported through the SHRs Landlord Portal on their website which can be found here: https://shrportal.azurewebsites.net/

5.4 When reporting a Notifiable Event the following information should be included:

- what the significant event or change is
- when it happened or is likely to happen
- who is involved and/or affected
- whether there are equalities or human rights implications and how the RSL is ensuring it meets its legal duties in these areas
- what the RSL is planning to do or what action it has already taken
- when the governing body was informed/will be informed.

More detailed guidance on Notifiable Events can be found on the SHR website https://www.housingregulator.gov.scot/for-landlords/statutory-guidance/notifiable-events/#section-1

1. Purpose

1.1 Section 7 of this Control Manual defines the policies and procedures in place to fulfil the range of Landlord's compliance issues as defined in topic-specific legislation.

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

2. Contents

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

1. Purpose

1.1 To effectively manage all asbestos containing materials across the property portfolio and to reduce the asbestos related risks to as low a level as is reasonably practicable.

1.2 To ensure asbestos works are properly scoped, serviced and managed in accordance with legal requirements and best practice.

2. References

- Health and Safety at Work etc. Act 1974
- Control of Asbestos Regulations 2012
- L143 Control of Asbestos Regulations 2012 Approved Code of Practice and Guidance
- HSG264 Asbestos: A survey guide

3. Asbestos Policy

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

Working with and managing asbestos materials is now very tightly regulated via a number of different Legislative provisions. The purpose of this Policy is to ensure that the Organisation complies with all current Legislation, Codes of Practice and Health and Safety Executive Guidance Notes.

3.1 Statement of Intent

It is the policy of the Organisation to ensure that, as far as is reasonably practicable, no persons are exposed to risks to their health due to exposure to any asbestos containing materials that may be present in any of the properties it owns or occupies.

3.2 Policy Statement

This Asbestos Policy conforms with the Health and Safety at Work etc. Act 1974 and the Control of Asbestos Regulations 2012. The Policy and Procedures will apply to all buildings and all individuals employed by the Association, to contractors/subcontractors engaged by the Organisation and to the Organisation's tenants.

The Organisation's Policy on asbestos is to:

i) ensure the prevention of exposure to risks associated with asbestos containing materials.

ii) ensure that any asbestos containing materials that may be present in any of its buildings are maintained in a condition so as to prevent the possibility of any harm to health occurring.

iii) promote awareness of the risks from asbestos containing materials and the Management Procedures through training and induction of relevant staff. Key staff involved in the delivery of this Policy will receive annual re-training.

iv) provide adequate resources to ensure the provision of appropriate information, instruction and training.

v) ensure a commitment to comply with all relevant asbestos legislation, Approved Codes of Practice, Health and Safety Executive Guidance Notes and to commit to the safe disposal of any asbestos waste in accordance with the appropriate legislation.

vi) ensure that an appropriate asbestos surveying process remains in place, taking account of the need for Asbestos Management, Refurbishment and Demolition Surveys in accordance with current legislation and maintain an Asbestos Register.

vii) implement an effective asbestos management strategy in order that appropriate measures such as encapsulation, labelling, inspection, working with, or removal of, the material can be undertaken.

viii) ensure that an appropriate system is installed, maintained and implemented for the management of all asbestos containing materials identified in the Register. Such a system is to be capable of recording the risk, the needs and priorities for treatment and/or removal.

ix) ensure that all Contractors and Sub Contractors engaged to carry out work on any of the Organisation's buildings are provided with adequate information on asbestos which may be disturbed by their works.

x) ensure that information regarding the presence of asbestos is contained in tender documentation as may be appropriate.

xi) ensure Licensed Contractors and/or Sub Contractors carry out ALL Asbestos Major Works and Competent Contractors carry out all Asbestos Minor Works.

xii) ensure all Non – Licensed Contractors carrying out Asbestos Minor Works are trained in safe working procedures and have appropriate insurance cover for the work being carried out.

xiii) ensure that relevant staff of the Organisation and contractors (as identified by a Training Needs Analysis) have appropriate training in this Policy and Procedures.

xiv) regularly review the Asbestos Management Policy and Procedures.

4. Asbestos Roles

4.1 Whilst the Senior Manager for LFHS&W will have responsibility for the overall asbestos management system, the Organisation will define and allocate roles and responsibilities to ensure the fulfilment of the policy and procedures on a practical level.

4.2 The defined roles will include an Asbestos Co-ordinator, who will be tasked with maintaining the Asbestos Register and for co-ordinating asbestos surveys and sampling as well as asbestos removal/remediation works. This role will also include liaison with 'non-asbestos' works contractors, ensuring that all appropriate asbestos information is provided and/or obtained and properly interpreted where works are liable to disturb the fabric of buildings.

5. Prohibition on Staff Handling Asbestos

5.1 Unless properly trained to do so, no Organisation staff will be permitted to handle or work on asbestos containing materials (ACM's).

5.2 In the event that the Organisation opts to handle ACM's (e.g. for the purposes of sampling), appropriate training will be provided, insurances obtained and these procedures updated to reflect the acceptable process.

6. Identification of Suspect Material – Damaged, Disturbed or Previously Unidentified

6.1 It is the responsibility of all staff to report to the Asbestos Co-ordinator if they suspect that disturbed or damaged asbestos containing materials may be present in a building owned or occupied by the Organisation. In a case where an accessible material is suspected of containing asbestos, and where this material may reasonably *become* disturbed, this would also apply.

6.2 In such cases, an external consultant having UKAS (United Kingdom Accreditation Service) accreditation for asbestos sampling and analysis, will be contacted to carry out identification.

6.3 If asbestos is identified within the sample, advice will be obtained from a competent consultant on the appropriate course of action.

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

6.5 Details of air test results will be made available for inspection and record purposes.

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

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

7. Asbestos Surveys and Management Plans – Normal Occupancy of Premises

7.1 Where Organisation premises and common areas of housing stock were built or renovated prior to 2000, an Asbestos Management Survey programme will be carried out by a competent UKAS accredited asbestos management consultancy. (HSE expects that no asbestos containing materials would be in use from 2000.) The surveyor and the Organisation should jointly determine an appropriate strategy to cost-effectively assess relevant premises, taking account of the permissibility of 'representative' surveying across properties of the same archetype and construction date.

Note that current legislation does not subject 'domestic dwellings' to the requirement for Asbestos Management Surveys (although Refurbishment and Demolition Surveys are required – see below). However, the Organisation will take a view on whether to adopt the increasingly common stance of undertaking Management Surveys to domestic dwellings.

7.2 The findings of all surveys undertaken will be used to prepare a Register of asbestos containing materials (including their location and condition along with details on how best to manage / remediate the material) in all relevant premises.

7.3 An asbestos management plan will be developed and implemented, ensuring that all asbestos containing materials are properly managed. This will include procedures for re-inspecting materials and carrying out remedial works where necessary.

7.4 For the avoidance of doubt, such an asbestos management plan will be necessary where any amount of asbestos is known or suspected to be present in premises. Each Plan's depth and complexity may vary, depending upon the local circumstances and potential risks involved (e.g. at a basic level a summary of actions in the asbestos register may be deemed acceptable), but all will clearly demonstrate their intended purpose of managing the risks associated with ACM's.

7.5 The "Asbestos Co-ordinator" will be responsible for maintaining the Registers and Plans, organising surveys and re-inspections, etc.

8. Asbestos Surveys – Prior to Work on Premises

8.1 Prior to any work being carried out on the fabric of (pre-2000) buildings, the asbestos register will be interrogated to determine whether asbestos may be encountered and appropriate precautions (including the use of HSE licensed contractors where necessary) will be taken. Where the works are likely to disturb material not included in the registers (e.g. behind wall panels, within voids, etc.), 8.2 will apply.

8.2 Prior to any refurbishment, demolition or repair works on building fabric, which is not known to be asbestos free, a competent UKAS accredited asbestos management consultancy will be commissioned to carry out a 'Refurbishment or Demolition' (i.e. intrusive) asbestos survey of the area to be worked upon. The surveyor and the Organisation should jointly determine an appropriate strategy to cost-effectively assess relevant premises, taking account of the

permissibility of 'representative' surveying across properties of the same archetype and construction date.

8.3 **Prior to works starting**, the information obtained from Refurbishment/Demolition Surveys will be discussed with the proposed works contractor (or internal direct works staff) to ensure that ACM's will not be disturbed by their works. In the event that works would have the potential to disturb ACM's, appropriate measures will be taken, including the prior removal of ACM's, amendments to work programme, etc.

8.4 Records of all surveys and discussions with contractors will be retained in the Job File to demonstrate that asbestos was properly considered and appropriate actions taken to prevent disturbance and exposure.

9. Work with Asbestos Materials

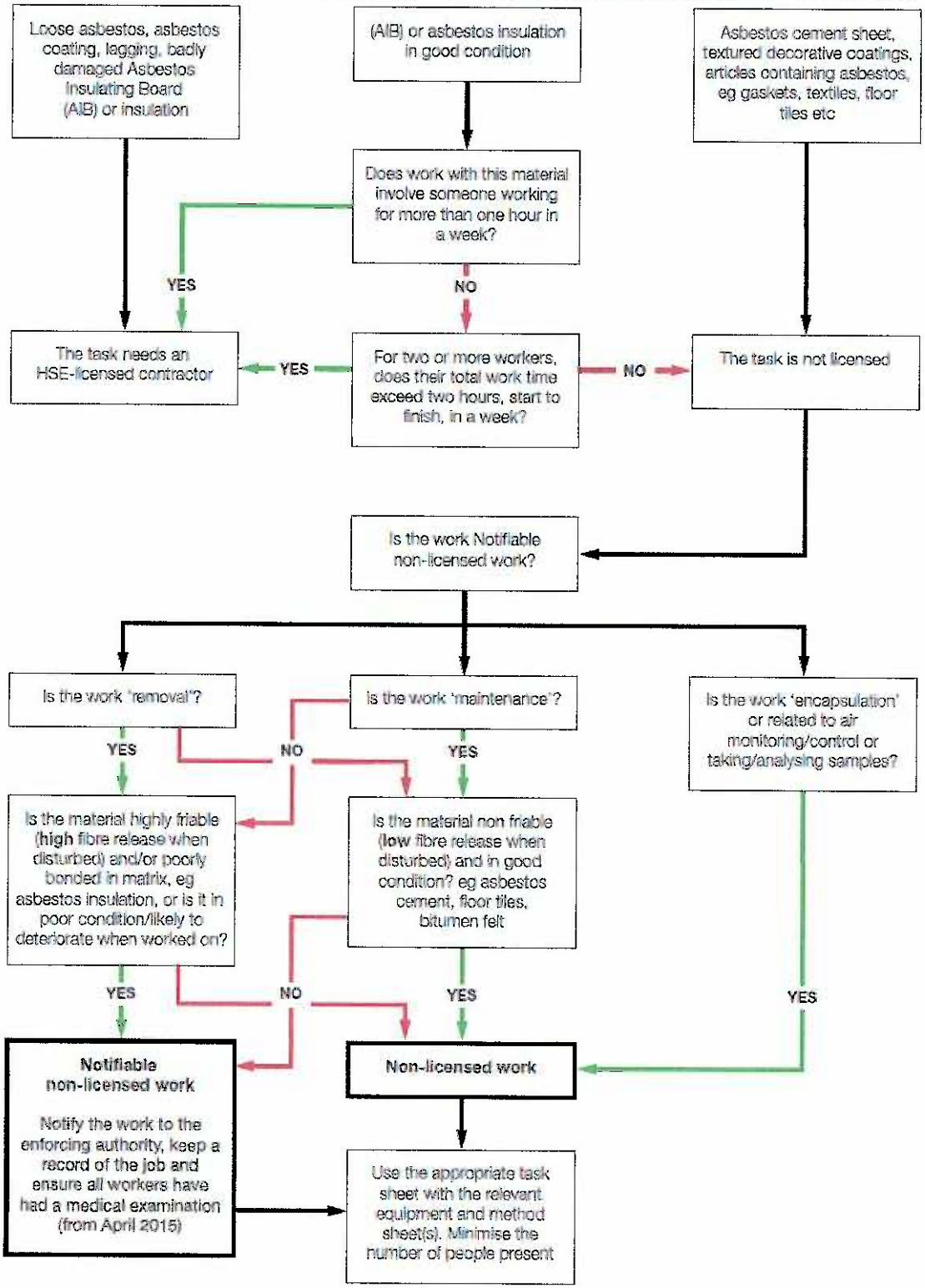
9.1 Most work likely to disturb or remove asbestos must be carried out by an HSE licensed asbestos removal contractor and notified to the HSE 14 days prior to commencement. However, the Control of Asbestos Regulations 2012 does allow work with certain lower risk asbestos containing materials (e.g. asbestos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

- Major Works: Licensed works – 14 day notification and licenced contractor (highest risk work)
- Minor Works: Notifiable non-licensed works – notification before works start and competent (non-licensed) contractor
- Minor Works: Non-notifiable non-licensed works – no notification and competent (non-licensed contractor)

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

Decision flow chart

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



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

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

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

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

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

10. Tenant Information and Work Procedures

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

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

the request and decide whether to refuse permission or to arrange for a Refurbishment Survey to be carried out.

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

1. Purpose

1.1 The aim of this policy is to ensure the Organisation effectively responds to anti-social behaviour complaints and that victims/witnesses receive appropriate support.

1.2 The procedures detailed within this section are intended to facilitate the effective management of anti-social behaviour, ensuring that all reasonable steps are taken to comply with the Antisocial Behaviour etc. (Scotland) Act 2004, Housing (Scotland) Act 2014 and all other relevant pieces of legislation.

2. References (see also Section 8.1 - Guidance)

- Antisocial Behaviour etc. (Scotland) Act 2004
- Crime and Disorder Act 1998
- Data Protection Act 1988
- Equality Act 2010
- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2014
- Human Rights Act 1998
- Protection from Harassment Act 1997
- The Environmental Protection Act 1990
- The Noise Act 1996
- The Scottish Social Housing Charter

3. Definitions

3.1 The Antisocial Behaviour Etc. (Scotland) Act 2004 provides the legal definition of antisocial behaviour as:-

"a person engages in antisocial behaviour if the person- (a) acts in a manner that causes or is likely to cause alarm, distress, nuisance or annoyance; or 2 (b) pursues a course of conduct that causes or is likely to cause alarm, distress, nuisance or annoyance, to a person residing in, visiting or otherwise engaging in lawful activity at, or in the locality of, a relevant house."

3.2 Antisocial Behaviour Order (ASBO):-

"civil orders to protect the public from behaviour that causes or is likely to cause harassment, alarm or distress. An order contains conditions prohibiting an individual from carrying out specific anti-social acts or (for example) from entering defined areas."

4. What is Anti-Social Behaviour?

4.1 Anti-social behaviour can mean different things to different people and the expectations of standards of behaviour can vary. However, examples of anti-social behaviour include the following:

- Noise;
- Rowdy behaviour such as shouting, swearing and fighting;

- Intimidation of neighbours and others through threats or actual violence;
- Harassment, including racial harassment, sexual harrassment or sectarian aggression;
- Verbal abuse;
- Vandalism, property damage and graffiti;
- Drug dealing;
- Animal nuisance, including dog fouling;
- Dumping rubbish;
- Failure to keep communal areas clean and tidy (i.e. stairs, closes, bin areas etc.);
- Failure to maintain the garden at a reasonable standard;
- Running a business from the rented property.

5. Landlord Duties

5.1 Tenants are entitled to live in their homes free of harassment, fear and disruption from others. Landlords are responsible for investigating all allegations relating to anti-social behaviour, as well as ensuring that their tenants can live in their homes in peace and without unreasonable disturbance. As a result, the Organisation will:

- respond promptly to all complaints of anti-social behaviour and will take a firm approach to tackle the issue where necessary;
- treat all complaints of anti-social behaviour fairly and equally;
- record all complaints of anti-social behaviour and update when necessary;
- investigate all allegations of anti-social behaviour in strict confidence and remain impartial throughout;
- discuss security measures and provide advice if there is a threat to a person's safety;
- assist the victim with taking the case to the police and/or other appropriate Organisations if the perpetrator has committed a criminal offence;
- re-house the victim, or the person behaving in an anti-social way if it is deemed necessary;
- where appropriate offer support to victims/witnesses and perpetrators.

5.2 The Organisation will offer assistance where required and a sign or language interpreter can be made available. Complaints will be discussed in a location where the victim feels comfortable and they can have a family member, friend or other representative present with them, if they wish to do so.

5.3 The Organisation will respect that the complainer may wish to remain anonymous and where appropriate, alternative methods to provide evidence will be used. However, this may not be possible in some circumstances, for example, where a person or child is at risk of serious harm or when required to do so by law or a court order.

6. Responding to Anti-Social Behaviour

6.1 When responding to anti-social behaviour complaints, the Organisation will:

- review and assess reports of the anti-social behaviour and determine the most appropriate method for the issue;

- initially seek to resolve cases of anti-social behaviour informally;
- become involved at an early stage by clearly challenging the perpetrator about their behaviour and remind them of their tenancy obligations;
- explain what action may be taken against them if they continue to behave anti-socially.

6.2 When the issue cannot be resolved informally, the Organisation will explore other methods, such as:

- Mediation services;
- Social work;
- Police;
- Legal and other remedies (e.g. apply for an anti-social behaviour order, ask the court to evict the tenant).

7. Short Scottish Secure Tenancy

7.1 The short Scottish secure tenancy (SSST) is based on the Scottish secure tenancy, introduced by the Housing (Scotland) Act 2001. A SSST is a short term or probationary tenancy agreement that can be given to tenants.

7.2 The Organisation has the right to change a person who has an Antisocial Behaviour Order (ASBO) against them to a SSST.

7.3 The Organisation has the right to provide a SSST to those who have previously been evicted for anti-social behaviour.

7.4 The Organisation will convert the SSST to a full Scottish secure tenancy at the end of 12 months, provided the tenant has not behaved in a manner deemed unacceptable.

7.5 If anti-social behaviour recurs after conversion to a full Scottish secure tenancy, the Organisation can seek repossession through the courts or a further ASBO can be sought, and if granted, the tenancy can once again be demoted to a SSST.

8. Eviction

8.1 The Organisation will apply to the courts to have a tenant evicted, if the tenant, an individual living within the household or a visitor repeatedly behaves anti-socially and all other methods have been exhausted.

9. Confidentiality, Data Protection and information exchange

9.1 The Organisation respects the privacy and confidentiality of each case and is aware of the legal obligations under the Data Protection Act 1988, however, in some cases the Organisation may be required to exchange information with external agencies. The Organisation will only share information with other agencies where it is lawful to do so in order to prevent and protect its communities from anti-social behaviour. The type of information which may be shared includes, but is not limited to:

- The nature and location of incidents of anti-social behaviour;
- Personal information as to complainants and witnesses;
- Details of relevant visits to the property by agencies including the police;
- Convictions, cautions, reprimands, bail conditions, progress of criminal cases.

10. Responsibilities of Tenants

10.1 Tenancy agreements are legal contracts which state that a tenant is responsible for their own behaviour, those living with them and for visitors. A list of tenant responsibilities are highlighted below:

- Tenants will show consideration for their neighbours at all times;
- Tenants will ensure that no damage occurs to the property;
- Tenants are responsible for the behaviour of visitors in the home and in the vicinity of the home;
- Tenants will ensure that pets are kept under control;
- Tenants will ensure that the property, garden and common areas are kept clean and tidy;
- Tenants will not behave in an aggressive or intimidating manner;
- Tenants should not behave in a way that may cause nuisance and annoyance due to late night use of domestic appliances, stereo equipment and noise caused by raised voices, either by tenants or visitors to the property;
- Tenants should aim to discuss the issue with their neighbour to see if the problem can be solved;
- Tenants should agree to mediation support if it is offered;
- Tenants are encouraged to report any anti-social incidents to their landlord.

1. Purpose

1.1 To ensure adequate and appropriate controls and procedures are in place to identify the potential for emergency situations and to protect against the risk of such situations occurring.

1.2 To ensure adequate and appropriate controls and procedures are in place to deal effectively with any emergency situations that occur.

2. Definitions

2.1 'Higher Tier Emergencies' – Emergency situations that are sufficiently debilitating to disturb the normal operation of the Organisation's activities.

2.2 'Lower Tier Emergencies' – Emergency situations that cause a short-term impact and allow the Organisation to continue operating.

3. Risk Assessment / Risk Register

3.1 The Organisation shall undertake a study of all significant 'higher tier' and 'lower tier' emergency situations. The Risk Assessment(s) shall identify the risks to the operation and sustainability of its operations and record the findings in a Risk Register. This shall form part of the Organisation's Business Continuity Plan, which shall be under the control of the Chief Executive. An on-going process of review and appraisal shall be conducted by the LFS Committee to ensure the content and assessment of risk level remains current. The FSA shall be responsible for ensuring all LFHS&W related issues are referred to the appropriate person or group.

4. Higher Tier Emergencies

4.1 Based on the findings of the higher tier emergency risk study and from recommendations of the LFS Committee, the Organisation shall develop and maintain a **Business Continuity Plan** for all significant higher tier emergencies. The Plan shall detail the procedures to be followed in the event of any such emergency. All relevant personnel shall be appropriately trained and instructed in their duties under the Plan.

5. Lower Tier Emergencies

5.1 Based on the findings of the lower tier emergency risk assessment, the Organisation shall develop and maintain a specific policy and procedures document for all significant lower tier emergencies. The document shall detail the procedures in place to protect against the risk of such an emergency as well as the actions to be followed in the event of any such emergency. All relevant personnel shall be appropriately trained and instructed in their duties under the policies/procedures.

6. Emergency Response

6.1 The Organisation shall develop detailed Emergency Response Plans for tenancies, taking account of the information obtained from the risk

assessments, policies and procedures, together with other external influences that may be affected by the emergency or affect the emergency response.

6.2 Personnel shall be designated with specific tasks to be undertaken in the event of an emergency and adequate and appropriate training shall be provided. Records of all such training shall be retained by the FSA and HR Department.

6.3 Emergency response equipment shall be identified by the risk assessments, policies and procedures and shall be maintained in a good state of repair and in sufficient quantity. The Chief Executive shall be responsible for ensuring the availability of adequate resources. An appropriate person shall be identified to ensure that all such equipment is subject to appropriate and regular inspection and testing, records of which shall be retained by the FSA.

6.4 Emergency response training and drills shall be defined and recorded.

6.5 The Response Plans shall be reviewed after every actual event, drill, and at least annually, and when new systems or procedures are implemented to ensure their validity.

6.6 This policy will work in accordance with the general requirements of the Incident Investigation Policy.

1. Purpose

1.1 The aim of this policy is to ensure the Organisation effectively manages the health, safety and welfare of construction projects and promotes the 'designing-in' of Health & Safety considerations for future operation of premises as a Landlord.

1.2 The procedures detailed within this section have been written to ensure all reasonable steps are taken to comply with the Construction (Design and Management) Regulations 2015 and the Health and Safety at Work etc. Act 1974.

2. Definitions

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

Contractors - *"those who do the actual construction work and can be either an individual or a company."*

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

Principal contractors - *"contractors appointed by the client to coordinate the construction phase of a project where it involves more than one contractor."*

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

3. References (see also Section 8.2 - Guidance)

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

4. Duties

4.1 The Organisation will have several duties throughout a project, these include:

- Assembling the project team;
- Making respective roles clear;
- Ensuring sufficient time and resources for each stage of the project;
- Putting in place effective mechanisms for communication between team members;
- Providing pre-construction information as soon as is practicable to every designer and contractor appointed, or being considered for appointment, to the project;
- Taking steps to ensure that the principal designer and principal contractor comply with their duties;
- Ensuring a construction phase plan is drawn up by the contractor if there is only one contractor, or by the principal contractor;
- Ensuring the principal designer prepares a health and safety file;

- Setting out steps to be followed to ensure health and safety performance is maintained;
- Providing suitable welfare facilities for workers.

5. The Client Brief

5.1 The Organisation will set out a clear brief for every project. The Organisation will clearly highlight the arrangements for how health and safety will be managed, the key requirements and the vision of the project.

5.2 Where the range and nature of risks involved in the work warrants it, arrangements will also include:

- The expected standards of health and safety, including safe working practices, and the means by which these standards will be maintained throughout;
- What is expected from the design team in terms of the steps they should reasonably take to ensure their designs help manage foreseeable risks during the construction phase and when maintaining and using the building once it is built (i.e. the 'designing-in' of future H&S considerations);
- The arrangements for commissioning the new building and a well-planned handover procedure to the new user.

6. Selecting the Project Team

6.1 The Organisation will ensure that all appointed individuals and Organisations have the necessary skills, knowledge and experience to carry out the required task.

6.2 Before appointing a contractor, the Organisation will obtain the following information:

- Provision of EL/PL/PI insurance details;
- Provision of suitable references from previous clients or similar work;
- Provision of Safety Policy;
- Provision of licence to operate, where appropriate;
- Provision of risk assessments and method statements;
- Details of a membership of a Trade Organisation or a Safety Group.

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

7. Health and Safety File

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

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

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

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

8. Notification

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

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

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

1. Purpose

1.1 The aim of this policy is to outline the Organisation's responsibilities with regards to the cleaning and cleanliness of common areas of tenanted properties, as well at the hand-over stage of new lets.

1.2 The procedures detailed within this section have been written to ensure all properties are fit for human habitation, to ensure tenants are not faced with health risks due to the cleanliness of their property, and to comply with the requirements set out in the Environmental Protection Act 1990 and other relevant legislation.

2. References (see also Section 8.3 - Guidance)

- The Environmental Protection Act 1990
- Crime and Disorder Act 1998
- Antisocial Behaviour etc. (Scotland) Act 2004

3. Procedures

3.1 The Organisation's duties regarding the cleaning and cleanliness of domestic properties are outlined below:

- The Organisation will ensure all properties, including gardens, are clean and tidy before a tenant moves in;
- An external contractor will be used to clean all communal areas on a weekly/fortnightly basis which tenants will be charged for;
- Tenants will be made aware of the cleaning schedule;
- Contract cleaners will carry out general housekeeping inspections weekly;
- A housing officer will also carry out housekeeping inspections monthly;
- Tenants will be asked to immediately move any personal belongings that are obstructing corridors, stairways and doors;
- Adequate storage for rubbish will be provided by means of wheelie and recycling bins;
- Tenants will be made aware at the start of their tenancy what day(s) the bins will be emptied;
- Reasonable steps will be taken to identify any tenants who do not dispose of rubbish/ household items appropriately;
- The Organisation may recharge a tenant for the cost of disposing any rubbish/household items where the tenant has failed to do so correctly.

4. Tenant Responsibilities

4.1 Tenants are also responsible for looking after their own health and safety. Occupants can face many health risks if they fail to maintain a clean and tidy property. The responsibilities of tenants are listed below:

- Tenants must ensure their homes and garden are kept clean;
- Corridors, stairways, landings and doors must be kept clear (failure to do so can hinder an occupant's ability to exit the premise in the event of an emergency safely, can impede access by the Fire Brigade and can act as fuel for a fire);

- Wheelie bins must be put out on the correct day for refuse collectors;
- Rubbish and household items must be disposed of correctly;
- Tenants must notify the Organisation if any structural defects appear (i.e. cracks on the floor or walls).

4.2 The Organisation will make all tenants aware of their responsibilities at the start of their tenancy through the Tenancy Agreement, information packs and leaflets.

1. Purpose

1.1 The aim of this policy is to highlight both the Organisation's and commercial tenants' responsibilities with regards to commercial leases, particularly in view of joint safety obligations.

2. References

- Energy Act 2011
- Fire (Scotland) Act 2005
- Fire Safety (Scotland) Regulations 2006
- The Building (Energy Performance of Buildings) (Scotland) Amendment Regulations 2016

3. What is a Commercial Lease?

3.1 A commercial lease is a legally binding contract made between a landlord and a business tenant. The lease gives a tenant the right to use certain property for a business or commercial activity for a period of time in exchange for money paid to the landlord. Additionally, the lease outlines the rights and responsibilities of both the landlord and tenant during the lease term.

4. Prospective Tenants

4.1 The Organisation may carry out business background checks on prospective tenants. Prospective tenants may be required to provide references from current or previous landlords or trade creditors. If it is a Limited Company, the Organisation may check who the directors and shareholders are in advance of drafting the lease. Particular attention may be paid to any Health & Safety or environmental prosecutions of the prospective tenant.

5. Maintenance

5.1 The Organisation will normally be responsible for the general upkeep and maintenance of the exterior of the building and structure. However, the lease agreement will explicitly state any facilities related obligations which are being passed to the tenant, along with maintenance and repair obligations.

6. Defining Safety Obligations

6.1 If a tenant has a full repairing and insuring lease, they would normally have full responsibility for carrying out all repairs to the property and also for paying the premium on the buildings insurance policy. Tenants would also normally be responsible for the following:

- Carrying out health and safety risk assessments and removing any hazards;
- Fire and electrical safety;
- Gas safety, including any necessary checks and services by a registered engineer;
- Asbestos and Legionella surveys/assessments;

- Ensuring the workplace has adequate lighting, space, ventilation, sanitary facilities and drinking water, that all equipment is safe to use, and that the premises are kept at a reasonable temperature (13°C for manual work or 16°C for non-manual work).

6.2 In all leases and tenancy agreements, it will be made explicitly clear which statutory and compliance related aspects fall to the tenant and which are retained by the Organisation, as Landlord. Where obligations are passed to the tenant, arrangements will be made for formal and timeous reporting to the Organisation that such obligations have been discharged.

7. Energy Performance Certificates (EPCs)

7.1 An approved energy surveyor will be used to assess a property and provide an EPC before a property is rented out to a new tenant.

7.2 Where the property is used as a public building, the EPC will be clearly visible to visitors.

8. Alterations and Improvements

8.1 The lease may impose restrictions on what alterations and improvements tenants can make and the agreement will define procedures for the tenant to inform the Organisation before making any alterations or improvements to the property. This will also extend to any amendments to facilities and services.

8.2 Where any amendments are approved by the Organisation, arrangements will be agreed with the tenant in respect of proper specifying of works and use of competent contractors, suitable materials, etc. The Organisation will be required to satisfy itself (and to keep appropriate records) that all works are completed to an acceptable and legally compliant standard.

9. Tenant Obligations

9.1 Tenants can only use the leased property for purposes that have been approved by the Landlord.

9.2 Tenants must keep the property in a safe and physically suitable condition for the commercial activities authorised by the Organisation.

9.3 Tenants must keep the property in a clean and tidy condition throughout the lease. This means that the property must be kept clear of all rubbish.

9.4 Tenants must ensure that the property is in compliance with statutory requirements including the Fire Safety (Scotland) Regulations 2006 (this means to sufficiently equip the property with firefighting equipment and appliances), asbestos, legionella, gas and other facilities safety obligations.

9.5 Tenants will be required to demonstrate compliance with their lease agreements and all statutory compliance issues as required by the Organisation.

1. Purpose

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

2. References

- Health and Safety at Work etc. Act 1974
- Management of Health and Safety at Work Regulations 1999 (as amended)
- INDG368 Using contractors: A brief guide

3. Selecting Contractors

3.1 The Organisation will ensure that only qualified and experienced contractors with proven safety records are appointed to carry out work.

3.2 Before appointing a contractor, the Organisation will obtain the following information so that a suitable and sufficient assessment can be made before work activities commence:

- Provision of Public Liability/Employment Liability insurance details;
- Provision of suitable references from previous clients or similar work;
- Provision of Safety Policy;
- Provision of licence to operate, where appropriate;
- Provision of risk assessments and method statements;
- Details of a membership of a Trade Organisation or a Safety Group.

3.3 Other information which may be required is:

- Description of safety training provided;
- Health and Safety prohibition and improvement notices;
- Accident/injury data;
- Details of access to a qualified safety advisor.

3.4 A list of "Approved" Contractors shall be made up by the Organisation, based on a formal vetting/approval process. The approved list will be reviewed on an annual basis and contractors required to submit application returns for review by Organisation personnel. Only approved contractors will be permitted to work on Organisation premises.

3.5 Contractors will be advised of all significant hazards or any other factors that are associated with the works they have been contracted to carry out including health and safety standards and permits to work.

3.6 Contractors will be advised of the means of access and egress from the site/property and action to be taken in the event of an emergency.

3.7 The Organisation recognises its obligation to effectively 'monitor' contractors from a Health & Safety perspective. This will be achieved through regular recorded inspections and, where appropriate (e.g. where specialist or technical

work is being carried out) through the appointment of third party project managers or assessors.

3.8 If Contractors are seen not to be operating safely, or are in breach of their own procedures and/or site rules, the Organisation will take appropriate action. This may range from an on-site chat through to formal correspondence with the offending company, to dismissal from site and expulsion from the Organisation's approved list of Contractors

1. Purpose

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

2. References

- Animal Health and Welfare (Scotland) Act 2006
- Control of Dogs Order 1992
- Dog Fouling (Scotland) Act 2003
- The Control of Dogs (Scotland) Act 2010
- The Dangerous Dogs Act 1991
- The Dangerous Wild Animals Act 1976
- The Equality Act 2010
- The Microchipping of Dogs (Scotland) Regulations 2016
- The Dangerous Dogs (Designated Types) (Scotland) Order 2024

3. Definition of a Domestic Pet

The term domestic pet covers the following types of animal:

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

4. Number and Type of Pets

4.1 The normal standard will be no more than 1 or 2 pets (depending on type, size etc.) Each request will be looked at individually taking into account the needs of the service user, size of property, surrounding area and species of pet.

4.2 Requests for pets which would normally be housed externally such as rabbits, will be assessed on its merits and may be granted depending on local circumstances and the size of the hutch required in relation to garden ground.

4.3 Requests to erect a larger structure, for example a dog run, kennel, aviary or pigeon loft, will be considered in relation to garden size and possible neighbour nuisance. The Organisation may discuss such proposals with adjacent neighbours prior to consent being given.

4.4 The keeping of pets on a balcony will not be permitted.

4.5 Permission must be requested for large fish tanks. The size and weight of the fish tank when full of water will be taken into consideration, especially where the tenant lives in flatted property.

5. Application Assessment

5.1 Tenants, both new and existing, must request permission to keep any uncaged domestic animal (such as a cat or dog) or any exotic species of animal or reptile. The Organisation will then:

- Assess the request and decide if permission will be granted;
- Keep a record of what animals are being kept by the tenant;
- Issue the tenant with a standard agreement on pet ownership which will be signed by the tenant;
- Remind tenants of their responsibilities in relation to keeping a pet.

5.2 The Organisation will assess any application to keep a pet under the following criteria:

- Any potential for disturbance, nuisance or distress that the pet may cause to neighbours;
- The size and type of accommodation where the pet is to be kept;
- The number and type of pets already in the property;
- Any history of pet-related problems within the property or within the relevant locality;
- Whether the tenants has had pets before and has been unable to look after them properly without causing a nuisance or annoyance to others;
- Whether the pet will be kept for breeding purposes.

6. Restrictions to Keeping Pets

6.1 Tenants will not be granted permission to keep a dog which is prohibited by the Dangerous Dogs Act 1991 or by any other Statute or Regulation. The current list includes:

- Pit Bull Terrier;
- Dogo Argentino;
- Fila Braziliero;
- Japanese Tosa;
- XL Bully.

6.2 Permission will not be granted for a tenant to keep livestock or farm animals, for example sheep, goats, pigs, cattle, horses, chickens, ducks etc.

6.3 Permission will not be granted if a tenant already has the maximum permitted number of pets.

6.4 Permission will not be granted for a tenant to keep a pet where the Organisations receives advice that the environment is unsuitable.

6.5 If the Organisation considers a tenant to be unfit to look after the welfare of a pet and fulfil their responsibility for keeping it under control, permission will only

be granted where the tenant can evidence that alternative arrangements will be put in place. Permission will not be granted if the Organisation is of the opinion that the pet would be at risk of suffering.

6.6 The Organisation will consider any history of pet ownership the tenant may have, either in an Association tenancy or that of another landlord, when reaching its decision. Permission may be refused where records show a previous history of neglect or cruelty; or instances of irresponsible pet ownership, such as failure to control an animal.

7. XL Bully Dog Breeds

7.1 Tenants owning an XL Bully breed must have applied for a Certificate of Exemption from the XL Bully Dog Team of the Scottish Government by 31 July 2024 to keep an XL Bully dog. Copies of this exemption must be provided to the Housing Association.

7.2 Tenants owning an XL bully breed must not breed or breed from an XL Bully.

7.3 Tenants cannot sell, give away, rehome, abandon or leave an XL Bully dog to stray.

8. Support dogs

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

9. Removal of a Pet

9.1 The Organisation may request a pet to be removed from the property where:

- Permission has not been sought or it has been refused;
- Conditions applied to the written consent have not been adhered to;
- The pet has caused nuisance, distress or annoyance to any owner or occupier or property adjoining or within the locality of the property or has caused damage or destruction to any part of property owned or leased by the Organisation.

10. Appeals Process

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

11. Tenant Responsibilities

11.1 Tenants will be held responsible for the behaviour of any pets owned by or living with them. Tenants will be expected to take all reasonable steps to supervise and keep such pets under control and ensure that they do not cause nuisance to neighbours or deterioration to the condition of the property, common parts or the vicinity of the house. This includes fouling, noise or smell from the animal. The Organisation may recharge a tenant for any costs incurred as a result of damage or cleaning up any mess left by a pet. Dogs especially must be kept on a lead at all times when outside the property and dog faeces must be cleaned up immediately. All dogs must be microchipped and have a collar displaying their owners name and address. Tenants must also ensure pets are vaccinated and regularly treated for fleas and worms (if necessary) and not left unattended in balconies or closes.

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

11.3 Tenants owning an XL bully breed must ensure that they do not have the dog in public without a lead and muzzle.

1. Purpose

1.1 The aim of this Policy is to ensure the effective inspection, maintenance and management of all electrical installations, fixtures and appliances within premises controlled by the Organisation.

1.2 All electrical repair work and Electrical Installation Condition Reports will be sub-contracted to an external competent body.

1.3 The procedures detailed within this section are intended to facilitate the effective management of electrical safety, ensuring that all reasonable steps are taken to comply with the Consumer Protection Act 1987 and the Electrical Equipment (Safety) Regulations 1994.

2. Definitions

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

3. References (see also Section 8.4 - Guidance)

- British Standard BS7671:2018+A2:2022
- The Consumer Protection Act 1987
- The Electrical Equipment (Safety) Regulations 1994

4. Electrical Checks

4.1 The Organisation will ensure that all electrical installations, fixtures, fittings, and any electrical equipment provided, is safe, in a reasonable state of repair and in proper working order at the start of the tenancy and throughout its duration.

4.2 Visual inspections on all electrical appliances will be carried out by a competent person before a tenant moves in and regularly throughout the tenancy.

4.3 The Organisation will ensure that service contractors carrying out Electrical Installation Condition Reports (EICR) are competent within the terms of the Regulations and are members of recognised professional bodies.

4.4 The EICR will be carried out every 5 years and at the start of a new tenancy if there have been new electrical installations fitted or defects identified.

4.5 The Organisation will retain a copy of the Electrical Installation Condition Report for six years. A copy of the most recent report will be issued to the tenant before a tenancy starts. If an inspection is carried out during a tenancy, a copy relating to that inspection will also be given to the tenant.

5. Portable Appliances

5.1 The Organisation will take reasonable steps to ensure that all appliances (e.g. electric kettles, fridges, washing machines etc.) provided as part of the tenancy agreement are safe.

5.2 An appropriate portable appliance testing (PAT) regime will be implemented for any appliances issued by the organisation.

5.3 All portable appliances issued by the organisation will have the UKCA Mark, the British Standard Kitemark, the 'BEAB Approved' mark or the CE mark.

5.4 The Organisation will issue tenants with a copy of the manufacturer's instructions for all appliances provided.

6. Repairs and Emergencies

6.1 Should any faulty equipment be observed, the Organisation will ask the tenant to take the item out of service until it is repaired or replaced.

6.2 The Organisation will use a competent service contractor to carry out repairs and emergency responses.

7. Tenant Responsibilities

7.1 Tenants will be issued with information leaflets on electrical safety.

7.2 Tenants will be advised to report any electrical faults immediately.

7.3 Tenants will be informed of any electrical items which are prohibited within Organisation premises.

7.4 Tenants will be provided with advice on the safe usage and storage of electric bikes and scooters. This will include guidance on the following topics:

- Safe purchasing of electric bikes, scooters, batteries and chargers, including ensuring they are purchased from reputable suppliers and should meet relevant British or European safety standards;
- Registering purchased products with the manufacturer so that they can be contacted if any products are recalled or safety information is published;
- Safe storage of electric scooters or bikes such as ensuring they are not stored or left to charge in escape routes or in communal areas and that e-bikes, e-scooters, and any batteries for them should be stored in a cool place and in line with manufacturer's instructions;
- Keeping and charging e-bikes, e-scooters and batteries away from combustible or flammable materials;
- Safe charging practices including:
    - Unplugging chargers when charging is finished;
    - Not charging while users are asleep or away from their home in case a fire breaks out;
    - Ensuring there are working smoke or heat alarms in the charging area, as per guidance produced by the Scottish Fire and Rescue Service;
    - Using manufacturer's approved chargers that are in good condition;
    - Ensuring items are not covered when charging;
    - Ensuring only appropriate, uncoiled and appropriately rated extension leads are used for charging and that they are not

overloaded.

- Actions to take if a fire caused by an e-bike or e-scooter breaks out;
- Checking batteries regularly for signs of damage; and
- Safe disposal methods for batteries.

1. Purpose

1.1 The aim of this policy is to ensure that all relevant properties controlled by the Organisation have a valid Energy Performance Certificate (EPC).

1.2 The procedures detailed within this section have been written to ensure all reasonable steps have been taken to comply with the Energy Act 2011, The Energy Performance of Buildings (Scotland) Regulations 2008 and all other relevant legislation.

2. References

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

3. What is an Energy Performance Certificate?

3.1 An EPC is a document which states the energy efficiency of a building based on the standardised way the building is used and provides the building owner with recommendations on how the efficiency could be improved.

3.2 An EPC is needed when a property is:

- Built;
- Sold;
- Rented.

4. Procedures

4.1 The Organisation will arrange for an EPC to be prepared by an approved EPC Assessor where a building is to be sold or let.

4.2 The Organisation will provide the EPC free of charge to a prospective tenant or buyer.

4.3 Where the property is used as a public building, the EPC will be clearly visible to visitors.

4.4 The Organisation will consider the recommendations of each EPC and determine whether improvements could/should be made to improve the energy efficiency performance of the premises.

5. Renewing the Energy Performance Certificate

5.1 All EPCs are valid for 10 years.

5.2 A new EPC will only be required if a new occupant assumes tenancy after the 10 year period has exceeded.

5.3 EPCs may be updated if significant alterations have been made to a property after the EPC was issued.

6. The Energy Efficiency Standard for Social Housing (EESSH)

6.1 The EESSH requires that:

"All social housing meets, or can be treated as meeting, EPC Band B (Energy Efficiency rating), or is as energy efficient as practically possible, by the end of December 2032 and within the limits of cost, technology and necessary consent."

6.2 In addition, no social housing below EPC Band D should be re-let from December 2025, subject to temporary specified exemptions outlined by the Scottish Government.

6.3 As such, the organisation will implement processes and procedures to ensure they comply with the relevant standards by the stated deadline.

1. Purpose

1.1 The aim of this policy is to ensure all events run by the Organisation do not pose a risk to the health and safety of staff, tenants, contractors or the public.

1.2 The procedures detailed within this section have been written to ensure all reasonable steps have been taken to comply with the Health and Safety at Work etc. Act 1974, the Management of Health and Safety at Work Regulations 1999 and all other relevant legislation.

2. References (see also Section 8.5 - Guidance)

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

3. Risk Assessment

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

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

3.2 Appropriate control measures will be put in place to reduce or eliminate any risks identified during the risk assessment.

4. Contractors / Suppliers

4.1 The Organisation will ensure all contractors have the necessary skills, knowledge and experience to carry out the required task.

4.2 Before appointing a contractor, the Organisation will obtain the following information:

- Provision of Public Liability/Employment Liability insurance details;
- Provision of suitable references from previous clients or similar work;
- Provision of Safety Policy;
- Provision of risk assessments and method statements;
- Details of a membership of a Trade Organisation or a Safety Group.

5. Temporary Structures

5.1 The Organisation will ensure that all structures have an up-to-date inspection certificate, are flame resistant and are properly tethered and used in accordance with manufacturer's instructions and guidance.

5.2 All temporary structures will be positioned in a way that does not obstruct entrances or exits.

5.3 All inflatable play equipment will adhere to the current British Standard (BS EN 14960) and will have at least 6 anchor points.

5.4 Pre-user checks will be carried out on all inflatable play equipment to ensure:

- the site is suitable;
- all anchorages are secure and in place;
- ancillary equipment is in position (e.g. impact-absorbing mats);
- there are no significant holes or rips in the fabric or seams;
- the correct blower is being used;
- the internal air pressure is sufficient to give a firm and reliable footing;
- there are no exposed electrical parts and no wear on cables;
- plugs, sockets, switches, etc. are not damaged;
- the connection tube and blower are firmly attached to each other.

6. First Aid Management

6.1 The Organisation will ensure that there is suitable first-aid provision at all events. The results of the risk assessment will determine the number of first aiders required. All accidents, incidents or "near misses" will be recorded and retained for 3 years. Details of the accident will include:

- the date and method of reporting;
- the date, time and place of the event;
- personal details of those involved;
- a brief description of the nature of the event or disease.

7. Information Notices and Signage

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

8. Welfare Facilities

8.1 The Organisation will ensure that there is adequate welfare facilities for all events, such as toilets, hand-washing facilities, drinking water and rubbish bins.

8.2 There will be a designated location where enquiries can be made about lost children, lost property and for information about the event.

- Furniture and Furnishings (Fire) (Safety) Regulations 1988
- Gas Safety (Installation and Use) Regulations 1998
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Health and Safety at Work etc. Act 1974
- Scottish Government Practical Fire Safety Guidance for Existing High-Rise Domestic Buildings

4. Fire and Smoke alarms

4.1 The Organisation will provide:

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

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

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

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

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

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

4.7 Where a property is held in shared ownership, responsibilities for compliance with this standard will be set out in the occupancy agreement. Proportion owners will be informed of the requirement to comply with this standard and all reasonable steps taken to achieve compliance.

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

5. Carbon Monoxide Alarms

5.1 Carbon monoxide alarms will be installed in any room containing a fossil fuel burning appliance.

5.2 Carbon Monoxide alarms will comply with British Kitemark EN 50291-1:2018.

6. Emergency Lighting

6.1 For blocks of flats and maisonettes, emergency lighting will be present in all communal areas and common escape routes. Where the emergency lighting provision is under the control of a third party (e.g. Local Authority), all reasonable steps will be taken to communicate with the third party in an attempt to ensure compliance with the procedures below.

6.2 The emergency lighting system will be designed to automatically illuminate upon the failure of the power supply.

6.3 The emergency lighting system will be tested on a monthly basis by a member of staff with a record of the test maintained for 3 years.

6.4 An annual discharge test will be performed by a competent person. This will involve simulating a power failure and conducting a test of the full rated duration of the emergency lights (e.g. 3 hours).

7. Fire Doors and Compartmentation

7.1 Buildings containing flats and maisonettes will be split into fire-resisting compartments by fire-resisting doors, walls and floors which will provide a physical barrier to fire.

7.2 Doors connecting shared parts of a multi-occupancy dwelling, such as the doors to individual flats or apartments will be rated fire doors.

7.3 For homes with an integral garage, the door that joins the garage to the main part of the house will be a fire door.

7.4 Doors used for plant rooms and service penetrations such as rubbish chutes will be fire rated.

8. Emergency Exit Doors

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

9. Smoke Ventilation

9.1 Communal areas will have adequate smoke ventilation either through natural means or by mechanical ventilation.

9.2 Any ventilation ducts supplying or removing air from a protected stairway or entrance hall will not serve any other areas.

9.3 All buildings will have adequate means for venting heat and smoke from a fire in the basement.

10. Fire Equipment

10.1 Sprinklers will be installed where the Organisation is unable to reduce particular risks by other means.

10.2 Fire extinguishers will not be installed in dwellings as tenants will not be trained on the safe use of extinguishers. Accidents can occur if tenants try to use them in the event of a fire or if they are discharged through malice or horseplay.

10.3 To assist the Fire and Rescue Service:

- Dry risers will be installed in any building that is over 18 metres in height.
- Wet risers will be installed in buildings over 50 metres in height.
- Outlets will be present on each floor and located in a fire escape staircase or similar protected location.

10.4 Both dry and wet risers will be subject to a recorded visual inspection every 6 months.

10.5 Both dry and wet risers will be subject to a recorded pressure test every year by a competent person.

11. Furniture and Furnishings

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

12. Evacuation Policy

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

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

13. Signage

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

14. Maintenance and Repairs

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

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

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

15. Access and Facilities for the Fire Service

15.1 The Organisation will ensure:

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

16. Fire Risk Assessment

16.1 The legal requirements relating to Fire Risk Assessing are complex and are often taken to exclude domestic premises. However, the Organisation has a legal duty to risk assess all areas defined as 'workplaces', which will include plant rooms and other non-tenant-accessible areas. Furthermore, the fire regulations require common areas to be maintained in a certain condition suitable for the fire authority, which can often only be ensured by carrying out a risk assessment. Still further, the deaths which occurred at Lakanal and Grenfell have brought into sharp focus the importance of risk assessing high rise buildings and, indeed, all housing 'blocks'. Therefore, the Organisation will devise a Fire Risk Assessment Strategy and arrange for the undertaking of fire risk assessments (and regular reviews) by competent consultants in accordance with the Strategy.

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

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

17. Tenant Responsibilities and Communication

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

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

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

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

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

18. Licenced Houses of Multiple Occupancy (HMOs) and commercial premises

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

- Will be fire risk assessed by a competent assessor, with periodicity determined by the fire risk assessment;
- Will have doors opening in the direction of escape;
- Will be supplied with appropriate, maintained extinguishers;
- Will have the fire evacuation procedure details relayed to relevant persons via the methods detailed in section 12.1 in the case of HMOs and via staff training for commercial premises.

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

19. Unwanted Fire Alarm Signals (UFAS)

19.1 In accordance with updated guidance issued by the Scottish Fire and Rescue Service (SFRS), as of 1st July 2023, the organisation will require to confirm to SFRS whether there is a fire or signs of a fire before fire appliance or crews are dispatched in response to a signal from an automatic fire alarm system.

19.2 Premises that are designed, or known, to incorporate sleeping accommodation (e.g. hotels, in-patient hospital buildings, care homes, etc.) are exempt from these changes and automatic fire alarm activations from these types of premises will always be responded to.

19.3 A fire will be considered to be 'confirmed' if the alarm signal comes from break glass manual call points, a heat detector, more than one smoke detector, a multi-sensor fire detector, a sprinkler system, etc. and the SFRS should be called to attend.

19.4 Fire alarm signals caused by the activation of a single smoke detector require the premises to be investigated for confirmation of, or signs of, a fire before SFRS are called to attend.

19.5 Where fire alarm signals are sent to an Alarm Receiving Centre (ARC), a procedure will be developed to ensure the ARC contact the dutyholder for confirmation of, or signs of, a fire prior to informing the SFRS of the alarm signal.

19.6 An investigation procedure will be developed to appropriately manage the risks involved in the investigation of alarm signals.

19.7 The requirement to carry out an investigation of the premises must be taken into account in premises-specific risk assessments and a more specific risk assessment must be drafted in respect of carrying out the investigation.

19.8 In commercial premises in multiple occupation, there must be cooperation between occupiers to pre-plan and coordinate arrangements for investigation of fire alarms.

19.9 The number of individuals required to safely carry out an investigation of an alarm activation should be determined by the organisation. It is recommended that no less than 3 individuals should be required as this allows one individual to remain at the fire alarm panel while the other two people proceed to the location of the alarm signal together.

19.10 Those carrying out the investigation should be suitably trained and physically capable for the task

1. Purpose

1.1 The aim of this policy is to ensure that all furniture and furnishing provided as part of a tenancy agreement is fire resistant.

1.2 The procedures detailed within this section have been written to ensure all reasonable steps have been taken to comply with The Furniture & Furnishings (Fire) (Safety) Regulations 1988 (as amended).

2. Definitions

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

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

3. References

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

4. Furniture and Furnishings

4.1 The Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended) set levels of fire resistance for domestic upholstered furniture, furnishings and other products containing upholstery. The Regulations apply to the following:

- Armchairs, three piece suites, sofas, sofa beds, futons and other convertible furniture;
- Beds, bed bases and headboards, mattresses, divans and pillows;
- Nursery furniture;
- Garden furniture which could be used indoors;
- Loose, stretch and fitted covers for furniture, scatter cushions, seat pads and pillows.

4.2 The Organisation will ensure that all furniture and furnishings provided as part of a tenancy agreement adhere to The Furniture & Furnishings (Fire) (Safety) Regulations 1988 (as amended). All furniture and furnishings provided will have a manufacturer's label which will be permanent and non-detachable. Bed bases will also have a label stating that it meets the requirements set out in BS 7177:2008+A1:2011. Additionally, all upholstered items will:

- have a fire resistant filling material;
- pass the "match resistance test"; and
- pass the "cigarette test".

1. Purpose

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

1.2 All gas servicing, maintenance and repair work will be sub-contracted to an external competent body.

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

2. Definitions

2.1 "*Gas Appliance*" – means an appliance for the heating, lighting, cooking or other purposes for which gas can be used. In general, portable or mobile appliances are not covered, except the use of portable or mobile space heaters (e.g. LPG cabinet heaters).

2.2 "*Gas Fittings*" – means pipework, valves (other than Emergency Controls), regulators and meters and fittings etc. designed for use by consumers of gas.

2.3 "*Flue*" – means a passage for conveying the products of combustion from a gas appliance to the external air.

2.4 "*Gas*" – includes natural gas and LPG gas.

3. HSE Advice

3.1 Health & Safety Executive (HSE) Gas Safety Advice Line. Open 9.00am to 5.30 pm Monday to Thursday and 9.00am to 5.00pm on Friday. Tel: 0800 300 363.

4. References (see also Section 8.7 - Guidance)

4.1 Health and Safety at Work etc. Act 1974

4.2 Management of Health and Safety at Work Regulations 1999, as amended

4.3 Gas Safety (Installation and Use) Regulations 1998

4.4 Gas Safety (Management) Regulations 1996

4.5 Gas Safety Guidance (supporting this policy)

5. Gas Safety Management System

5.1 The Organisation will develop and implement a Gas Safety Management System to demonstrably manage gas safety in organisation premises.

5.2 The Gas Safety Management System will cover, as a minimum:

- Roles and Responsibilities
- Information, Instruction and Training
- Asset Register
- Contractor Selection and Control
- Gas Safety Certificates/Checks
- Maintenance Procedures
- Record Keeping
- Information to Tenants
- Gas Safety Internal Monitoring
- Reactive Repairs
- Emergency Procedures
- Quality Assurance
- Void/Re-Let Procedures
- Closing Up
- RIDDOR
- Temporary Heating
- Audit and Review

6. Competent Persons

6.1 The Organisation shall ensure no person is permitted to carry out any works on gas installations unless competent to do so. Current competency is approved by the "Gas Safe Register" (www.gassaferegister.co.uk).

7. Roles and Responsibilities

7.1 The Organisation will define roles and responsibilities for named individuals with accountability for the following aspects of the gas safety management system:

1. Overall responsibility
2. Delivery of the gas safety management programme
3. Administration of the gas safety management programme
4. Contractor selection, control and monitoring
5. Repairs
6. Communications with tenants
7. Emergencies

8. Contractor Selection and Control

8.1 The Organisation will define a detailed scope of works for the annual gas servicing and maintenance contract and will follow through a rigorous tendering and contractor selection process.

8.2 Contractors will be required to demonstrate compliance with the competency requirements of the Regulations and will be, as a minimum, Gas Safe Registered.

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

8.4 A defined 'no access' procedure will be developed to ensure all reasonable steps are taken by the contractor and the Organisation to meet the 12 month deadline for landlords gas safety checks.

9. Record Keeping

9.1 Under current legislation Landlord Gas Safety Records must be kept for a period of 2 years. The Organisation will establish and maintain a formal system for recording all activity in relation to gas servicing, maintenance, repairs, installations, emergencies and all other relevant gas safety management data.

9.2 In relation to the annual gas safety inspection programme, the Organisation will hold the following records as a minimum:-

- Inspection records, findings and actions
- Reports and communications from gas contractors
- No access reports and actions (audit trail)
- Properties beyond 12 months
- Intermediate safety checks on properties (voids).
- External Audit Reports
- Maintenance and repair records
- Emergency situations and actions taken
- Letters of complaint

10. Information to Tenants

10.1 On an annual basis (and at the time of new tenants being housed), the Organisation will outline the pertinent issues of gas safety to tenants by way of written communication. This will include:

- Emergency contact numbers and reporting procedures
- The Organisation's commitment to gas safety.
- Tenants responsibilities under their Tenancy Agreement.
- Key health and safety risks.
- The importance of the annual safety check and the need for access to premises.
- Key points on the safe use of gas and gas appliances including action to be taken if a gas leak is suspected.
- The requirement to ensure that all gas related wok must be carried out by a Gas Safe registered engineer.

10.2 Formal 'rules' setting out tenants' gas safety obligations and duties will be clearly set out in their Tenancy Agreements. The Organisation will define a procedure for dealing with unauthorised gas installations, repairs, disconnections and other gas related activities which fall foul of the Tenancy Agreement.

11. Gas Safety Internal Monitoring

11.1 A formal system of monitoring the gas servicing/landlords inspection and all gas repair work will be established and maintained with properly defined reporting, escalation and action procedures.

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

1. All servicing and repair certificates
2. Unsafe gas systems
3. No access procedure, notices and problems
4. Properties 'over 12 months'
5. Void properties
6. Quality assurance / quality control reports
7. Repairs and maintenance reports

12. Reactive Repairs and Emergencies

12.1 As well as carrying out annual servicing to gas appliances and raising landlord's gas safety records the contractor will provide a full reactive repairs and emergency response service. This will be properly defined and tenants made aware of the gas company's services and contact details in this regard.

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

12.3 Gas Leaks:

- Currently SGN have a statutory duty to attend gas escapes reported to them within two hours of receipt.
- In the main, gas escapes are likely to occur within individual properties and tenants should in the first instance contact SGN Emergency Services.
- Recognising that SGN will normally shut down the gas supply to an individual property where a leak is found and will not carry out any further works it is, recognised as good practice for the Organisation to follow up a report of a gas leak by instructing the gas contractor to attend.
- Where repairs cannot be readily made and the heating system remains switched off the contractor will be asked to provide temporary heating and will advise the Organisation of the repair problem in order to agree remedial work.

13. Quality Assurance (QA)

13.1 An external third party shall be appointed to carry out a minimum inspection of 10% of completed annual services.

13.2 The contractor undertaking the QA work will require to be Gas Safe registered and employ fully qualified engineers.

13.3 Where a QA check identifies non-compliances or where unsatisfactory performance of the primary gas contractor is being observed details of the problems and suggestions for rectification will be clearly set out in the QA contractor's report.

13.4 Where the QA contractor identifies situations that pose an immediate or imminent risk to health, the contractor will notify the Organisation as soon as practicable. These notifications should be in addition to the regular reporting regime.

14. Void/Re-Let Procedures

14.1 A formal procedure will be defined for gas safety inspections associated with void properties and this will be included in the overall gas safety management system, contractor's contractual requirements and monitoring procedures.

15. Closing Up

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

16. RIDDOR

16.1 In relation to gas safety there are duties imposed upon gas conveyers, suppliers, etc. to report cases whereby death or a major injury (as defined by regulations) occurs out of or in connection with the gas supplied.

16.2 It is also recognised that a contractor will have a duty to formally report certain situations where it is deemed likely that the gas installation may cause death or major injury. The types of faults likely to cause death or major injury and would be reportable include: -

i. A dangerous gas leak arising, for example, from the use of unsatisfactory materials or bad workmanship.
ii. A gas appliance which spills products of combustion or shows signs of incomplete combustion or shows signs of combustion problems due to inadequate ventilation
iii. An appliance which is not suitable for use with the gas supplied
iv. An appliance in which a safety device has been made inoperative
v. Use of unsatisfactory materials in gas connections
vi. An appliance installation which has become dangerous through faulty servicing

16.3 Further information on RIDDOR is contained within the Accidents Policy of the Organisation's Health & Safety Manual.

17. Temporary Heating

17.1 LPG or other bottled gas heating sources will not be provided to tenants as a temporary source of heating.

17.2 Where electrical heaters are provided as a temporary source of heating, the Electrical Safety policy should be consulted.

1. Purpose

1.1 The aim of this policy is to define the Organisation's responsibilities with regard to hygiene in domestic properties.

1.2 The procedures detailed within this section are intended to facilitate the effective management of hygiene in tenancies and to ensure that appropriate living conditions are maintained in all domestic properties under the Organisation's control.

2. References (see also Section 8.8 - Guidance)

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

3. Procedures

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

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

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

4. Tenant Responsibilities

4.1 Tenants are responsible for reporting any external and internal defects that appear as soon as possible.

4.2 If damage is caused as a result of the tenant's negligence, the Organisation will not be responsible for:

- carrying out repair work;
- decorating the property;
- the cost of the above.

1. Purpose

1.1 To ensure tenants are provided with health, safety and welfare related information commensurate with their obligations as a tenant and in line with the expectations of the Organisation.

2. References

- Reference all other topic-specific policies and procedures throughout this Manual

3. Procedures

3.1 Whilst the Organisation incurs a range of legal obligations in relation to facilities related safety and these are defined throughout this Manual, the safe operation and habitation of tenanted properties also relies on the co-operation of tenants. In particular, tenants should not wilfully participate in unsafe acts and should comply with certain legal obligations in relation to fire, electrical safety, general housekeeping, etc.

3.2 Many of the individual topic-specific policies and procedures contained within this Manual note or suggest a requirement to inform tenants of their obligations in relation to that specific issue. This information may be contained within tenancy agreements or by means of leaflets, flyers, information packs, etc.

3.3 The Organisation will develop a strategy and system for providing tenants with the full range of information required as a) part of their tenancy agreement and b) as general guidance, and ensure this information is adequately communicated throughout the tenancies. The process will be recorded to ensure records exist of all communications issued to tenants, thus, demonstrating the dissemination of information on risk control and best practice.

1. Purpose

1.1 The aim of this Policy is to ensure the effective inspection, maintenance and management of all lifts controlled by the Organisation.

1.2 The procedures detailed within this section have been written to ensure all reasonable steps have been taken to comply with the Lifts Regulations 1997, the Lifting Operations and Lifting Equipment Regulations (LOLER) 1998 and all other relevant legislation.

2. References (see also Section 8.9 - Guidance)

- The Equality Act 2010
- Disability Discrimination Act 1995 and 2005
- Health and Safety at Work Act etc.1974
- Lifts Regulations 1997
- Lifts Regulations 2016
- Lifting Operations and Lifting Equipment Regulations (LOLER) 1998
- Management of Health and Safety at Work Regulations 1999, as amended
- Provision and use of Work Equipment Regulations 1998 (PUWER)
- Scottish Housing Quality Standards (SHQS)
- Supply of Machinery (Safety) Regulations 2008
- INDG339 Thorough Examination and Testing of Lifts
- Workplace (Health, Safety & Welfare) Regulations 1992 (as amended)

3. Definition of Lift

3.1 The Lifts Regulations 2016 define a 'lift' as:

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

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

4. Installation of Lifts

4.1 The Organisation will ensure that all lifts are manufactured and installed in accordance with the Lifts Regulations 1997 or the Lifts Regulations 2016 and have a current Declaration of Conformity.

4.2 In specifying new lifts, stairlifts and escalators, awareness of users' special needs will be considered. In particular, attention will be given to the level of control buttons, sound controls, braille buttons and access for wheelchairs and walking aids. Where reasonably practicable, lifts will be fitted with emergency seats and with two-way communication systems for use in emergency situations. With regard to stairlifts, appropriate safety signs and instructions for use will be clearly displayed at each end of travel.

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

5. Periodic Inspection and Testing

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

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

5.2 Formal Inspections will inspect the following:

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

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

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

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

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

6. Routine Maintenance

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

7. Identifying Defects

7.1 If a defect is identified which is, or could become, dangerous, the lift will be immediately made out of use and the repair will be carried out within 24 hours. The lift will not be useable until the defect has been satisfactorily remedied.

7.2 Minor defects which do not affect the primary function or the safety features of the lift will be actioned within 5 working days.

8. Documentation and Reporting

8.1 The Organisation will ensure a written and signed report is provided by the Independent Inspection Company within 28 days of the thorough Inspection being carried out.

8.2 Thorough Inspection reports will be retained for at least 2 years or until the next report is carried out, whichever is the later.

9. Stair Lifts

9.1 The Equality Act 2010 (the '2010 Act') requires the Organisation, in its capacity as a Registered Social Landlord ('RSL') to actively take steps to prevent discrimination which includes the duty to make 'reasonable adjustments' to premises.

9.2 Where installation of a stair lift is likely to require alteration to the fabric of the building, the necessary planning permission / building control will be sought.

9.3 All stair lifts will undergo routine maintenance, inspections and a 6-monthly thorough examination.

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

10. Emergency Equipment

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

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

1. Purpose

1.1 The aim of this policy is to ensure adequate natural, electrical and emergency lighting is provided in domestic premises owned by the Landlord.

1.2 The procedures detailed within this section are intended to comply with the requirements set out in the Building (Scotland) Regulations 2004 and the Fire Safety (Scotland) Regulations 2006.

2. References (see also Section 8.10 - Guidance)

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

3. Landlord Responsibilities

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

4. Procedures:

4.1 In properties containing flats and maisonettes, the common escape routes will be adequately illuminated to ensure occupants can exit the building safely.

4.2 An Emergency lighting system will be present in common escape routes and designed to automatically illuminate upon the failure of the power supply.

4.3 The Organisation will carry out and record periodic inspections of the emergency lighting system.

4.4 All domestic premises will be provided with a natural source of light to ensure the health of the occupant is not threatened.

4.5 Windows will be fitted on communal stairways and landings where practicable.

4.6 Artificial lighting will be installed in communal areas. The Organisation will ensure the lighting does not present sources of glare or create shadows.

4.7 Communal stairways and landings will have a lighting level of at least 100 lux.

4.8 Electrical lighting will be provided in all rooms with a switch immediately at the entrance of the room.

4.9 A light switch will be provided at both the top and bottom of staircases.

4.10 The Organisation will install external lighting in residential car parks.

4.11 The Organisation will maintain and record a lighting inspection programme and will replace bulbs and fixtures in communal areas when required.

1. Purpose

1.1 The aim of this Policy is to ensure the effective inspection, maintenance and management of plant, equipment and vehicles.

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

2. Definitions

Lifting equipment' - *"work equipment for lifting and lowering loads. This includes lifting accessories and attachments used for anchoring, fixing or supporting the equipment."*

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

3. References

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

4. Plant and Equipment

4.1 The Organisation will ensure that all equipment is:

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

4.2 The Organisation will ensure that all equipment has the CE mark, British Standard kitemark, UKCA mark, where appropriate, or equivalent.

4.3 All lifting operations involving lifting equipment (such as patient hoists) will be appropriately supervised and carried out in a safe manner.

4.4 The Organisation will ensure that all equipment is maintained in an efficient state, in efficient working order and in good repair.

4.5 A machinery maintenance log will be kept up to date.

4.6 Any defects will be repaired immediately.

4.7 A plant and equipment asset register will be maintained, detailing the specification of all items, inspection regimes, operating procedures and other statutory or 'good practice' requirements to ensure it is maintained in a safe condition.

4.8 Standard Operating Procedures or other technical documentation will be retained for all plant and equipment in place across the Organisation's property portfolio.

4.9 Information on the technical specification and any operating procedures, inspection requirements, safety features etc. will be passed to contractors employed to work on any plant and equipment and records will be maintained of the transfer of any such information.

5. Training

5.1 All relevant persons will be adequately trained to ensure health and safety in the use, supervision or management of equipment. Users will be informed of specific precautions that may be required.

1. Purpose

1.1 The aim of this policy is to ensure all play parks under the Organisation's control are maintained in a safe and secure condition and without significant risk to users.

1.2 The procedures detailed within this section are intended to facilitate the effective management of play parks, ensuring that all reasonable steps are taken to comply with the Health and Safety at Work etc. Act 1974, The Management of Health and Safety at Work Regulations 1999, Children Act (1989) Scotland, and all other relevant pieces of legislation.

2. Definitions

Competent Person – *"a person, suitably trained and qualified by knowledge of the safety, inspection and maintenance of play park areas and equipment."*

Hazard – *"something which has the potential to cause harm."*

Risk – *"the chance or probability that a person will be harmed or experience an adverse health effect if exposed to a hazard."*

3. References (see also Section 8.11 - Guidance)

- BS EN 1176
- BS EN 1177:2018
- Children Act 1989
- Control of Substances Hazardous to Health Regulations 2002
- Disability Discrimination Act 1995,
- Environmental Protection Act 1990
- Health and Safety at Work etc. Act 1974
- Occupiers' Liability (Scotland) Act 1960
- Personal Protective Equipment at Work Regulations 1992
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013
- The Children (Scotland) Act 1995
- The Management of Health and Safety at Work Regulations 1999

4. Risk Assessments

4.1 A risk assessment programme will be carried out, and reviewed regularly, to identify and assess potential hazards within playpark and children's recreational areas. The assessment will also be reviewed when new equipment is installed or if there are any changes to the layout of the park.

4.2 An assessment will also be carried out to assess the suitability for use by disabled persons.

4.3 Risk assessments will be carried out by a competent person who has the suitable knowledge and who has attended a RoSPA training course (or equivalent) on the principles of Risk Assessment concerning children's play parks.

4.4 If any defects are identified, the Organisation will use a competent external contractor to carry out the repairs immediately.

5. New Equipment

5.1 All new playground equipment will adhere to the current British Standard, BS EN 1176.

6. Inspections

Post Installation

6.1 A post installation inspection will be carried out by an independent inspector (such as a member of RoSPA) to identify any defects with the installation of equipment or surfacing. Upon successful inspection, the facility will be formally 'approved' in writing as suitable for use and compliant with all relevant requirements.

Routine Inspections

6.2 Routine inspections will be carried out and recorded at least weekly by a member of the Organisation. Inspections will include:

- visually checking the equipment for any obvious faults or hazards that can be a danger to children, parents or carers;
- ensuring the safety surface and surrounding areas are free from debris which could cause injury or be a hazard to health or the environment, for example, litter, glass or animal fouling.

6.3 Staff carrying out routine inspections will have attended a 1 day "Routine Inspections and Maintenance" course applicable to play parks.

6.4 If members of staff identify animal faeces in the play park, it will be disposed of correctly using dog bags and dog/litter bins.

Maintenance Inspections

6.5 Maintenance inspections will be carried out every 3 months. These will include:

- all aspects of routine inspection;
- checking that fixings are secure;
- lubrication of bearings;
- touching-in any scratches to paintwork using the appropriate paint;
- repairing safety surfaces and other elements that form the rest of the site.

Those carrying out maintenance inspections will have a Register of Play Inspectors International (RPII) qualification (or equivalent).

Annual Inspections

6.6 An overall inspection of all aspects of the site will be carried out annually by an independent inspector (such as a member of RoSPA) to ensure all legal requirements are met. Records will be maintained of the inspection.

Retaining Records

6.7 All inspections will be accurately recorded and retained for 3 years.

Remedial Action

6.8 Where any inspection identifies failures or other aspects which could result in the facility presenting a risk to users, the facility will be put out of action without delay, appropriately secured and sign-posted and remedial action arranged. Any remedial action will be formally recorded and the facility re-inspected prior to being re-opened.

7. Protective Surfacing

7.1 The Organisation will use protective surfacing in play parks (such as grass and wood chips) to reduce the severity of injury from falls.

7.2 Routine inspections will identify any hazards associated with the surfacing and repairs will be carried out by a competent person immediately.

8. Fencing and Gates

8.1 All play parks under the Organisation's control will be enclosed by a fence at least 1 meter high. All gates will be a minimum width of 1 meter to allow access for wheel chairs and push chairs. Self-closing mechanisms will be used to maintain the gate in a closed position.

8.2 The Organisation will ensure that there is adequate access for the emergency services.

9. Security

9.1 The Organisation recognises the importance of security measures in play parks. Adequate lighting will be provided to prevent accidents and to increase the safety of users. If the play park is subject to high levels of vandalism, the Organisation may install CCTV.

10. Use of Chemicals

10.1 The Organisation will aim to use non - chemical methods (such as hand weeding) where appropriate for the treatment of weeds and algae. When the use of chemicals cannot be avoided, users will be clearly notified that chemicals have been used in the area.

11. Dogs in Play Parks

11.1 The Organisation recognises that dogs may be present in parks. However, "no dogs allowed signs" will be clearly displayed on the entrance to the enclosed play area containing the play equipment.

11.2 "No dog fouling" signs will be clearly displayed around the park.

11.3 Dog bins will be provided in all play parks under the Organisation's control.

1. Purpose

1.1 The aim of this policy is to ensure that all properties controlled by the Organisation are fit for human habitation before the start of the tenancy and throughout (so far as is reasonably practicable).

1.2 The procedures detailed within this section have been written to ensure all reasonable steps have been taken to comply with the Housing (Scotland) Act 1987 and the Scottish Secure Tenants (Right to Repair) Regulations 2002.

2. References (see also Section 8.12 - Guidance)

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

3. Landlord Responsibilities

3.1 The Organisation has a duty to ensure that all properties meet the 'tolerable standard'.

3.2 The Organisation is responsible for carrying out certain repairs in properties.

3.3 To comply with these duties, the Organisation will carry out physical inspections of housing stock with a focus on the fabric of buildings.

4. 'Right to Repair Scheme'

4.1 Scottish secure tenants and short Scottish secure tenants have the right to have certain 'qualifying' repairs up to the cost of £350 carried out by the Organisation within a given timescale (see section 8.12 for list of qualifying repairs).

4.2 Tenants can arrange for another contractor from the Organisation's list to carry out the repair if the usual contractor does not start the qualifying repair within the time limit set.

4.3 The Organisation will provide compensation if the repair was not carried out within the given timescale. This is paid at a fixed rate of:

- £15.00 basic amount, plus
- £3.00 for every day from the day after the repair becomes late until the day that the repair is completed.

4.4 The above is subject to a maximum of £100 for any one repair.

5. Other Repairs

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

Priority 1 – Emergency repairs will be actioned within 24 hours. Emergency repairs are those that pose a threat to the health/wellbeing of the occupants or will potentially cause further damage to the property if they are not attended to very quickly (e.g. gas leaks, live or bare electric wiring, failure of all communal lighting etc.).

Priority 2 – Repairs which are a hazard but are not classed as an emergency will be actioned within 5 days (e.g. defective central heating, absence of hot water supply etc.)

Priority 3 – Repairs which pose no risk to tenants will be carried out within 30 days (e.g. defect to internal door, defective guttering etc.).

6. Unfit Properties

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

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

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

7. Communal Area Repairs

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

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

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

8. Rechargeable Repairs

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

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

9. Contactors

9.1 The Organisation will only use competent contractors who are on the Organisation's approved contractor's list to carry out repair work.

10. Tenant Responsibilities

10.1 Tenants are responsible for:

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

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

1. Purpose

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

2. References

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

3. Land Redevelopment

3.1 An unfortunate legacy of Britain's industrial past is the significant presence of contaminants on most brownfield sites. These contaminants can include chemicals, asbestos and even unexploded ordinances (UXO's). Contaminated land risk management is a particular specialism and the Organisation will ensure competent external support is available at the planning stage of all proposed land redevelopment work. This will include the undertaking of a contaminated land investigation by a competent consultancy.

3.2 In the proposed redevelopment of land, the Organisation will ensure arrangements and procedures are in place for safe site working practises; proper authorisations and registration of land; and legally accurate classification of waste materials – incorrect classification can result in hugely inflated and unnecessary waste costs.

3.3 For situations of asbestos contaminated land, compliance with, and understanding of, a range of Health & Safety, Asbestos, Environmental and Waste regulations, codes of practice and guidance is required as different 'levels' of asbestos within the ground are deemed acceptable under the different regulatory regimes. Specialist advice will be taken in such circumstances.

4. Buildings Redevelopment

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

- Asbestos
- CDM
- Contractors Selection
- Premises Fitness and Repair
- Ventilation

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

1. Purpose

1.1 The aim of this policy is to establish the Organisation's responsibilities and procedures with regard to 'security' in domestic properties.

1.2 The procedures detailed within this section have been written to ensure all tenants can live comfortably and safely in their homes.

2. References (see also Section 8.13 - Guidance)

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

3. Procedures

3.1 The Organisation has a general duty to ensure that tenants can live safely and free from fear and disruption in their homes. To achieve this, the Organisation will:

- take all reasonable measures to ensure the safety and wellbeing of tenants;
- respond to all security issues promptly;
- provide adequate security measures if necessary;
- ensure that all security systems which have been put in place by the Organisation are maintained and inspected frequently;
- carry out repairs on doors, windows and fences if they have been damaged by intruders;
- ensure that all contractors are reputable and selected from the approved contractor's list;
- only issue keys/access cards to contractors when it is required to do so and ensure that keys are returned as soon as the work is complete;
- change the locks before a new tenant moves in if necessary;
- ensure that external bin areas are only accessible by tenants;
- report and work closely with the police and Local Authorities to tackle security issues/burglaries/theft.

3.2 Areas which fall out with the definition of common areas, such as loft and plant areas, will be kept locked unless access is required for inspections or repairs.

3.3 The Organisation will develop and maintain a Security Strategy and Programme to record security measures, failures, actions and continual improvement.

3.3 When visiting a tenant all members of staff will wear photographic identification badges and all contractors will be required to demonstrate similar personal identification.

4. Tenant Responsibilities

4.1 The Organisation will make tenants aware of their responsibilities with regard to keeping their home safe and secure through information packs and leaflets. Information packs and leaflets will contain information on: bogus callers, the importance of locking all external doors and windows when no one is in, the benefits of leaving lights on at night, and all other relevant security information.

1. Purpose

1.1 The aim of this policy is to ensure there is adequate ventilation in all premises owned by the Organisation either by natural means, mechanical means or through a combination of both.

1.2 The procedures detailed within this section have been written to ensure all reasonable steps have been taken to comply with The Building (Scotland) Regulations 2004

2. References

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

3. Definition of Ventilation

3.1 Ventilation is simply the removal of 'stale' indoor air from a building and its replacement with 'fresh' outside air. Ventilation is required for one or more of the following purposes:

- provide outside air to maintain indoor air quality sufficient for human respiration;
- remove excess water vapour from areas where it is produced in sufficient quantities in order to reduce the likelihood of creating conditions that support the germination and growth of mould, harmful bacteria, pathogens and allergies;
- remove pollutants that are a hazard to health from areas where they are produced in significant quantities;
- rapidly dilute pollutant odours, where necessary.

4. Ventilation Requirements

4.1 The Organisation will ensure that every building is designed and constructed in such a way that ventilation is provided so that the air quality inside the building is not a threat to the building or the health of the occupants. All properties will have a provision for ventilation by either:

- natural means;
- mechanical means;
- a combination of natural and mechanical means (mixed-mode).

5. Natural Ventilation

5.1 Natural ventilation will be achieved by the operation of ventilators such as trickle vents, windows or doors.

5.2 All external windows and doors will be fitted properly to prevent draughts.

5.3 Manually controlled trickle ventilators may be located in some properties, either over the window frames, in widow frames, or above the glass. Trickle

1. Purpose

1.1 The aim of this Policy is to ensure that all properties controlled by the Organisation have adequate storage for refuse and recycling and that all tenants are made aware of their duties regarding waste management. Furthermore, this policy will ensure that all commercial waste produced by the Organisation is appropriately disposed of.

1.2 The procedures detailed within this section have been written to ensure all reasonable steps have been taken to comply with the Environmental Protection Act 1990 and the Waste (Scotland) Regulations 2012.

2. References

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

3. Tenant Waste

3.1 In relation to waste and recycling the Organisation will:

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

3.2 If there are any issues with bin collection, tenants should report the issue to their local council.

4. Commercial Waste

4.1 Where the Organisation generates commercial waste as part of its normal operations, this will be properly classified and subject to a commercial waste uplift and disposal contract.

4.2 Waste Transfer Notes will be received and filed for all commercial waste uplifts.

ventilators will be positioned typically 1.7m above floor level to avoid discomfort due to cold draughts.

6. Mechanical ventilation

6.1 Mechanical ventilation will be installed in rooms where opening windows are not present or where most water vapour and/or pollutants are released (e.g. in bathrooms and kitchens) to minimise the spread of the pollutants to the rest of the building. The extract will be either intermittent or continuous.

6.2 If the mechanical ventilation system serves more than 1 dwelling, it will have a duplicate motor and will be separate from any other ventilation system. Where the mechanical ventilation system gathers extracts into a common duct for discharge to an outlet, no connections to the system will be made between any exhaust fan and the outlet.

1. Purpose

1.1 The aim of this Policy is to ensure that all properties controlled by the Organisation have adequate storage for refuse and recycling and that all tenants are made aware of their duties regarding waste management. Furthermore, this policy will ensure that all commercial waste produced by the Organisation is appropriately disposed of.

1.2 The procedures detailed within this section have been written to ensure all reasonable steps have been taken to comply with the Environmental Protection Act 1990 and the Waste (Scotland) Regulations 2012.

2. References

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

3. Tenant Waste

3.1 In relation to waste and recycling the Organisation will:

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

3.2 If there are any issues with bin collection, tenants should report the issue to their local council.

4. Commercial Waste

4.1 Where the Organisation generates commercial waste as part of its normal operations, this will be properly classified and subject to a commercial waste uplift and disposal contract.

4.2 Waste Transfer Notes will be received and filed for all commercial waste uplifts.

4.3 Where construction, demolition or other industrial wastes are generated, these may be subject to formal classification under the European 'WM3 Waste Management' guidelines as well as requiring negotiations with landfill operators on the correct classification and tax rates applicable. This is particularly important where the wastes may be classed as 'Hazardous' or 'Special' waste. In all such circumstances, specialist advice will be sought from an appropriate and competent environmental consultant.

1. Purpose

1.1 The aim of this Policy is to ensure the effective inspection, maintenance and management of all water systems within premises controlled by the Organisation.

1.2 The procedures detailed within this section have been written to ensure all reasonable steps have been taken to comply with The Control of Substances Hazardous to Health Regulations 2002 (as amended), The Water Supply (Water Fittings) (Scotland) Byelaws 2014 and all other relevant legislation.

2. Definitions

Legionella - *"a potentially dangerous type of bacteria when inhaled with water vapour. Bacterium grows best in warm, nutrient rich water."*

Legionella Risk Assessment – *"a specific risk assessment carried out to determine the risk level of Legionella Assessment proliferation, and exposure from a specific water system."*

Log Book – *"a record book provided to record all local checks and tests carried out, as specified by legionella risk assessment."*

Legionnaires' disease - *"a potentially fatal form of pneumonia caused by the legionella bacteria."*

3. References (see also Section 8.14 - Guidance)

- BS 8580-1:2019 Water quality - risk assessments for Legionella control - Code of practice
- BS6920 Suitability of non-metallic products for use in contact with water intended for human consumption with regard to their effect on the quality of the water
- HSG220 (Second edition) Health and safety in care homes
- HSG274 Legionnaires Disease – Technical Guidance (in 3 Parts) (Second edition) (2024)
- INDG 458 Legionnaires Disease – A brief Guide for Duty Holders (2012)
- L8 (fourth edition) Approved Code of Practice The control of legionella bacteria in water systems (2013)
- Public Health etc. (Scotland) Act 2008
- The Building (Scotland) Regulations 2004
- The Control of Substances Hazardous to Health Regulations 2002, as amended
- The Housing (Scotland) Act 2006
- The Management of Health and Safety at Work Regulations 1999
- The Private Water Supply (Scotland) 2006
- The Water Supply (Water Fittings) (Scotland) Byelaws 2014
- The Water Supply (Water Quality) (Scotland) Regulations 2001

4. Legal Duties

4.1 The Organisation has several specific legal duties which relate to water safety and, in particular, Legionella risk management. These include:

- Identifying and assessing sources of risk;
- Preparing a scheme for preventing or controlling the risk;
- Implementing and managing the scheme;
- Keeping records and checking what has been done is effective.

5. Legionella Information

5.1 Legionella bacteria is common in natural water (such as rivers and ponds). However, legionella can grow in other water systems such as cooling towers, evaporative condensers, showers, spray apparatus and hot and cold water systems.

5.2 Legionnaires' disease is a potentially fatal form of pneumonia caused by the inhalation of Legionella bacteria. This includes the most serious Legionnaires' diseases, as well as the similar but less serious conditions of Pontiac Fever and Lochgoilhead Fever. The bacteria is normally contained within fine water droplets (aerosol) that may be caused by operating a cooling tower, shower, spray apparatus, running a tap outlet or operating a humidifier.

5.3 Legionnaires' disease has the potential to affect anybody. However, those more susceptible are normally in the age range of 45 and above, smokers, heavy drinkers, or suffer from chronic respiratory or kidney disease or have impaired immune systems.

5.4 Legionella survive low temperatures and thrive at temperatures between 20-45 degrees C if the conditions are right (e.g. if a supply of nutrients is present such as rust, sludge, scale and other bacteria).

6. Legionella Policy

6.1 The Organisation will aim to minimise and control the risk from Legionnaires' disease and, to this end, will:

- Appoint a responsible person who will have a duty to put in place an action plan to minimise the risk of Legionella and to manage and monitor the necessary work systems and procedures;
- Identify and assess sources of risk (e.g. where conditions are present that may encourage Legionella bacteria to multiply or where there is a means of creating and disseminating breathable droplets), and establish any items of non-compliance;
- Assess the level of risk through a structured Legionella Risk Assessment programme, and aim to eliminate or reduce the risk to an acceptable level;
- Arrange for routine inspection and maintenance of water systems, and where needed, a programme of disinfection;
- Retain records of maintenance, inspection and testing for a minimum of 5 years.

7. Risk Assessment

7.1 The Organisation will arrange for a suitable and sufficient risk assessment programme to be carried out (and regularly reviewed) to identify and assess

the risk of exposure to Legionella bacteria from all water systems across its property portfolio.

7.2 A Legionella risk assessment will be carried out even if there are no water tanks present to demonstrate that potential risks have been considered, e.g:

- deadlegs or other high risk hardware in the plumbing system
- high risk events such as the property becoming void
- any required cleaning and/or maintenance events (e.g. shower heads in an HMO)

7.3 The Organisation will use a competent external company with qualified Legionella Risk Assessors to carry out the risk assessment programme. The Assessment company will not normally be associated with a water hygiene/control contracting company in an attempt to ensure independent recommendations are given by the Assessor. The Assessors and the Organisation will determine an appropriate programme of risk assessing, which may involve the use of 'representative' assessments followed by an ongoing programme or rotation across different addresses.

7.4 All recommendations and remedial action will be recorded in a log book. The recommendations should also highlight the management control actions that may be carried out in-house and those which would require an external contractor.

7.5 The risk assessment will be reviewed at regular intervals (at least every 2 years) or when it is believed that the original risk assessment is no longer valid (e.g. following a change in the building or water supply, or following an incident).

8. Water Fittings and System Requirements

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

8.2 The Organisation will ensure that all water fittings are suitable for the purpose intended.

8.3 Flexi-hoses should conform to BS 6920 or be WRAS approved.

8.3 Hot water shall be stored in tanks at a temperature of at least 60°C.

8.4 Water pipes shall be as short and direct as possible and pipes and tanks will be effectively insulated. Tanks will be protected against contamination and materials used which do not encourage Legionella growth.

8.5 Hot water shall reach taps at temperatures greater than 50°C within 1 minute of running.

8.6 Cold water shall be stored at a temperature of less than 20°C. Cold water shall reach taps at temperatures less than 20°C within 2 minutes of running.

8.7 All little used outlets shall be routinely flushed through.

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

9. Disinfection

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

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

10. Void Property Actions

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

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

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

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

11. Contractors

11.1 A competent external contractor will be appointed to carry out legionella preventative monitoring and water hygiene services. As a minimum requirement, contractors are required to be a registered member of the Legionella Control Association (LCA) or the Water Management Society (WMSoc). Contracted works may include legionella sampling, tank inspections, water sampling, (for all bacteria) and other associated services, as identified in the Legionella Risk Assessment programme.

12. Notification Requirements

12.1 If it is suspected or confirmed that a tenant, employee or visitor has contracted Legionnaires ' disease, the Organisation will report the incident to the HSE

under the Reporting or Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR).

13. Tenant Responsibilities

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

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

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

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

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

14. Review

14.1 The Organisation will review its methodology for managing Legionella every three years or sooner if required by Statutory or best practice requirements.

1. Purpose

1. 1 The aim of this policy is to ensure appropriate control measures are in place to prevent and eradicate an infestation of urban pests.

1.2 The procedures detailed within this section have been written to ensure the wider public health risk posed by various urban pests are correctly identified and appropriate measures are in place to prevent and control them.

2. Definitions

2.1 **Urban pest** means a destructive insect or other animal which has human health or aesthetic implications. For example bedbugs, rats, mice, cockroach, wasps, etc.
Urban pests can:

- Spread diseases
- Damage tenants' homes and belongings
- Sting or bite
- Aggravate asthma, eczema and other allergies

2.2 ***Pest control*** refers to the control or management of a species defined as urban *pests*.

2.3 **Public Health** [1]is defined by World Health Organisation (WHO) as "the art and science of preventing disease, prolonging life and promoting health through the organized efforts of society."

2.4 **Nuisance** generally involves some form of damage to, or intolerable interference with a person's use or enjoyment of, property. The various matters which may constitute a statutory nuisance are set down in section 79 of the Environmental Protection Act 1990.[2]

3. References (see also section 8.15 - Guidance)

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

4. Procedures

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

- The Organisation will ensure all properties, including gardens, are pest free before a tenant moves in;
- The Organisation will ensure that there are suitable and sufficient provisions in place to monitor matters that constitute 'statutory nuisance';

[1] For more information and guidance visit: https://www.who.int/teams/primary-health-care/health-systems-resilience/essential-public-health-functions
[2] http://www.legislation.gov.uk/ukpga/1990/43/section/79

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

5. Tenant Responsibilities

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

5.2 Tenants are responsible for informing the Organisation if there is an infestation within their property so that the organisation can assess the cause and advice the tenant on the next course of action.

5.3 Tenants must notify the Organisation if communal areas are infested with vermin/pests.

5.4 The Organisation will make all tenants aware of their responsibilities at the start of their tenancy through the Tenancy Agreement, information packs and leaflets.

1. Purpose

1.1 The aim of this policy is to ensure that all privately rented properties under the Organisation's control adhere to the repairing standard before the start of a tenancy and throughout.

1.2 The procedures detailed within this section have been written to ensure that all reasonable steps have been taken to comply with the Housing (Scotland) Act 2006, the Housing (Scotland) Act 2014 and all other relevant pieces of legislation.

2. References (see also section 8.16 - Guidance)

- Gas Safety (Installation and Use) Regulations 1998
- Housing (Scotland) Act 1988
- Housing (Scotland) Act 2006
- Housing (Scotland) Act 2014
- Repairing Standard: Statutory Guidance for Private Landlords
- Satisfactory Fire and Carbon Monoxide Detection: Tolerable Standard Guidance
- Technical Handbook 2017 Domestic – Fire

3. Procedures

The Organisation will ensure that:

- all privately rented properties meet the tolerable and the repairing standard at the beginning and throughout the tenancy,
- an inspection is carried out before the start of the tenancy to identify any work necessary to comply with the repairing standard,
- an electrical installation condition report is carried out by a competent person before the tenancy starts and throughout the tenancy at intervals of no more than 5 years,
- a copy of the record of the electrical installation condition report is issued to the tenant at the start of the tenancy and when an inspection is carried out during the tenancy,
- any portable appliances supplied by the Organisation are tested,
- a copy of the PAT report will be issued to the tenant at the start of the tenancy and when an inspection is carried out during the tenancy,
- a copy of the EICR and PAT report is retained for six years.
- a CO detection system to alert occupants to the presence of CO gas is present,
- heat and smoke alarms are present,
- the tenant is provided with a copy of the gas safety certificate,
- new tenants are provided with a copy of a valid energy performance certificate.

1. Purpose

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

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

2. Definitions

2.1 The Property Factors (Scotland) Act 2011 sets out a "*Meaning of property factor*" in Section 2, which takes account of different types of land and premises and different ownership criteria.

2.2 In terms of Registered Social Landlords (RSL's) who act as Factors, the following simplified description of Factors' services is commonly used:

> *"The maintenance of common parts of a subdivided residential building containing individual properties and the common surrounding land"*

3. Application

3.1 It is recognised that the Organisation may, for certain premises or developments, hold responsibilities as:

1. A Factor **and** a Landlord (e.g. Mixed Tenure)
2. A Landlord but **not** a Factor
3. A Factor but **not** a Landlord (e.g. Owner-occupied developments, Mixed Tenure with no Organisation-owned premises, etc.)

3.2 Where the Organisation is both a Factor and a Landlord for particular premises/development, the responsibilities defined within this Policy will apply **in addition to** the Organisation's normal Landlord responsibilities.

3.3 Where the Organisation is a Factor but not a Landlord for particular premises/development, only the responsibilities defined within this Policy will apply (other than where cross-references are made in Section 6).

4. References

- Property Factors (Scotland) Act 2011
- Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors
- Tenements (Scotland) Act 2004

5. Identification of Responsibilities

5.1 The Organisation will ensure that the responsibilities expected of it as a Property Factor are thoroughly researched and identified so far as is reasonably practicable. Sources identifying such responsibilities will include:

- Title Deeds
- Deeds of Conditions
- Other Deeds as may be relevant
- Tenement Management Scheme (TMS) – normally in place where Deeds are 'silent' on key topic areas
- Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors – which sets out minimum standards to be met
- O&M Manuals / H&S Files – which may describe specific inspection and maintenance regimes
- Any specific statutory requirements relating to the services delivered, in particular the Health & Safety at Work etc. Act 1974, the Fire (Scotland) Act 2005 and relevant subordinate legislation made under these Acts
- Specific requirements of Statutory Bodies including the Scottish Housing Regulator (SHR) and Financial Services Authority (FSA)

5.2 Where Deeds are not made available by the Owners (e.g. via an Owners Committee) these will be sought through The Registers of Scotland in Edinburgh.

5.3 The Organisation recognises that it may be held liable for acts or omissions relating to non-compliance with defined or implied responsibilities of a Property Factor on a case-by-case basis.

5.4 In view of the range of information sources which may be relevant in defining the Property Factor's responsibilities, verbal (and documented) dialogue with the Owners will be considered by the Organisation as a means of establishing expectations and responsibilities of the Property Factor and ensuring all parties are in agreement with this..

6. Procedures

6.1 Registration

6.1.1 The Organisation will Register as a Property Factor with the Scottish Government every three years as required by the Property Factors (Scotland) Act 2011. At each application for registration, a list of properties to be factored will be provided.

6.1.2 The Organisation will not offer factoring services if it is not registered for any period of time and it is recognised that to do so would be to commit a criminal offence.

6.1.3 The Organisation will update the list of factored properties on an annual basis, as required by the Act.

6.1.4 The Organisation will quote its registration number (PF000XXX) on all official documentation and correspondence insofar as it is acting as a Property Factor.

6.2 Written Statement of Services and Factoring Agreement

6.2.1 The Organisation will comply with the *Property Factors (Scotland) Act 2011 Code of Conduct* by preparing a written Statement of Services which outlines the core services that will be provided to owners. The Statement will detail:

- All responsibilities of the Organisation as a Property Factor as detailed in the documentation highlighted in Section 5, above.
- All responsibilities as required of a Property Factor as detailed in the Code of Conduct
- Any additional services offered by the Organisation over and above those statutorily required

6.2.2 A copy of the Statement of Services will be provided to Owners within the timescales outlined in the Code of Conduct.

6.2.3 Whilst it is appreciated that there exists no legal requirement to prepare a Factoring Agreement, the Organisation may choose to do so.

6.3 Selection and Control of Contractors

6.3.1 As a Property Factor, the Organisation will be responsible for arranging maintenance and repair works on behalf of the Owners. As such, the full range of Health & Safety responsibilities associated with robust contractor selection, control and monitoring will fall to the Property Factor.

6.3.2 To carry out these duties, contractor selection, control and monitoring will be carried out in strict accordance with the Organisation's normal contractor procedures, as defined in Policy 7.7, Contractor Selection and Control.

6.3.3 For works which require Owner authorisation, non-standard works and other situations where 'normal' contractor procedures do not apply, the Organisation will take all due cognisance of statutory Health & Safety requirements (e.g. the need for Asbestos Refurbishment Surveys prior to commissioning any work on the fabric of buildings) and will advise the Owners accordingly. A suitable record will be maintained of all such advice/discussions.

6.4 Specific Health & Safety and Environmental Statutory Requirements

6.4.1 All **works** carried out by, or arranged by, the Property Factor will incur a range of Health & Safety, and possibly Environmental, considerations. Due regard will be given to such requirements under Section 6.3 above and on a case-by-case basis. As a minimum, a RAMS (Risk Assessment and Method Statement) will be prepared and reviewed for all proposed works, ensuring that all relevant safety, environmental and waste considerations have been identified and appropriate risk control measures taken by all relevant parties.

6.4.2 However, it is recognised that the Organisation may also incur a number of statutory 'inspection', 'assessment' or 'maintenance' duties which, in law, fall to the Owners or 'Duty Holders' (sometimes undefined) but which have been passed on to the Factor through a Deed or other relevant document (see Section 5 above).

These will, largely, depend upon the specific wording of the documentation but particular attention will be given to whether the Organisation assumes any responsibility for the following activities. Where there is any doubt, professional advice will be taken on the wording of documentation and relevant legislation. Particular attention will be given to vague or ambiguous wording such as 'all compliance issues' or 'all statutory duties' which may incur a level of liability which is unclear or unwanted.

Potential Statutory Duties:

- Asbestos Management Surveys and Re-inspections (see Policy 7.1, Asbestos in Tenancies)
- Electrical Safety Checks (see Policy 7.9, Electrical Safety)
- Fire Safety Risk Assessments and Maintenance Regimes in Common Areas (see Policy 7.12, Fire Safety in Housing Stock and Common Areas)
- Gas Safety Checks / Annual Inspections (see Policy 7.14, Gas Safety and Inspection)
- Legionella Risk Assessments and/or Inspection/Maintenance Programmes (see Policy 7.26, Water Systems and Legionella)

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

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

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

1. Purpose

1. 1 The aim of this policy is to ensure appropriate control measures are in place to adequately manage damp and mould within properties.

1.2 The procedures detailed within this section have been written to ensure that all reasonable steps have been taken to ensure that problems with damp and mould are identified and dealt with promptly.

2. Definitions

2.1 "Penetrating damp" is damp which results from issues with the building which leads to water ingress such as leaking pipes, cracks and blocked guttering. "Rising damp" is caused by defects in the foundation of the building. Both of these are already covered by the Tolerable Standard.

2.2 "Condensation damp" is caused by an excess of moisture in the air and poor ventilation. This causes water droplets to form on cold surfaces such as windows and walls. The risk of condensation forming is increased through daily living activities such as bathing, cooking and drying clothes. This type of damp can cause mould to form on the affected surfaces.

3. References

- Housing (Scotland) Act 1987
- Housing (Scotland) Act 2006
- The Building (Scotland) Regulations 2004
- Putting Safety First: a briefing note on damp and mould for social housing practitioners

4. Scottish Housing Quality Standard

4.1 The Scottish Housing Quality Standard (SHQS) requires that homes provided by social landlords:

- Meet the Tolerable Standard;
- Are free from serious disrepair;
- Are energy efficient;
- Have modern facilities and services; and
- Are healthy, safe and secure.

5. Procedures and Prevention of Damp and Mould

5.1 The organisation will develop robust internal procedures on dealing with issues of damp and mould. These procedures will cover handling of reports from tenants or members of staff of damp and mould, escalation procedures and monitoring of reports of damp and mould to ensure the issues are dealt with promptly. Procedures should

outline where members of staff from different departments are required to ensure that any damp and mould is dealt with effectively.

5.2 It is important when dealing with issues of damp and mould to have a thorough understanding of the condition of all housing stock to identify and manage issues at an early stage. As such, stock condition data will be gathered to identify where properties have a greater risk of developing issues with damp and mould.

5.3 This information can be gathered by including damp and mould checks as part of any annual property inspection programmes, at the void stage of properties and checking neighbouring properties for damp and mould when problems have developed in a nearby home with similar characteristics.

5.4 Where damp or mould is identified in void properties, any issues should be treated before reletting the property.

5.5 Void checklists will include checking extractor fans and ventilation systems to ensure they are working properly. Any defects will be noted and repaired in line with the organisation's repair and maintenance policies.

5.6 Other preventative measures, such as gutter cleaning, will be included in planned maintenance programmes.

6. Treating Mould and Damp and Ongoing Management

6.1 Procedures should be aimed at tackling the root cause of damp and mould in addition to treating the effects of it.

6.2 To be sure efforts to treat damp and mould have been effective, initial treatments must be supplemented by a follow up visit to check whether the problem has truly been resolved. This should take place at least six weeks after the initial treatment, although any issues reported by tenants in the meantime should be responded to promptly.

6.3 Ongoing monitoring procedures will be developed to prevent mould and damp reoccurring. As such, the installation of indoor air quality monitoring units or smart sensors to track humidity and CO2 levels where damp and mould have been reported to be an ongoing issue may be considered.

7. Reporting and Complaints Procedure

7.1 Reports of damp and mould should be taken seriously and not treated as a lifestyle problem caused by the tenant. When responding to damp and mould cases, staff should consider the personal characteristics of tenants and whether anybody would have an increased risk to their health from living with damp and mould. Young children, older and disabled people, and people with lung conditions, compromised immune systems and certain other health problems are at increased risk of illnesses resulting from damp and mould.

7.2 Complaints processes must be easy for tenants to understand, access and use. Tenants should be aware of how they can make a complaint and what steps they can take if they are not happy with the result of a complaint.

7.3 The organisation will implement a procedure to review complaints, assess what went wrong, and as a result make changes where needed to policies, procedures, and staff behaviour in order to ensure they continually improve their performance.

8. Training

8.1 All staff should be provided with training on how to effectively deal with complaints of damp and mould to ensure the issue is properly dealt with in a timeous manner.

8.2 All staff, particularly those who may enter tenants' homes or respond to repair requests, should be trained to identify damp and mould and understand the organisation's policies and processes for responding to it.

8.3 Staff who are likely to respond to reports of damp and mould must be trained and appropriately equipped to assess the issue (including safe use of PPE), identify the root cause, and respond appropriately.

9. Tenant Communication and Information

9.1 The Organisation will provide tenants with information about everyday activities such as: cooking, leaving clothes to dry in rooms and on radiators and taking hot showers that can cause condensation which can lead to dampness and the growth of mould.

9.2 The organisation will encourage tenants to report concerns around damp and mould as soon as they notice a problem arising.

9.3 The organisation will provide tenants with information on the risks of living with mould and damp, how to identify and report these issues, what steps the landlord will take to address the problem and expected timescales for completion of remedial works.

9.4 Tenants will also be provided with information on complaints procedures, for if they are not satisfied with the organisation's response, and details for the Scottish Public Services Ombudsman.

9.5 Tenant information should be clear, easy to understand and accessible for all tenants. This may require a range of communication methods such as email, text, leaflets and tenant newsletters.

10. Data Management

10.1 An effective response to damp and mould cases, particularly where the problem is complex or persistent, will require knowledge of the property, the resident and historic repairs work. As such, all relevant information about properties and tenants must be recorded along with all actions taken by staff and concerns raised by tenants or third parties.

10.2 All targets set for repairs and maintenance work, including responses to damp and mould, must be designed with effective end goals in mind. For damp and mould, a key focus of targets should be whether the issue reoccurred after the initial treatment. This requires a robust data management system to be developed to ensure all necessary documentation is appropriately stored.

10.3 Good data management is critical to effectively dealing with complaints. The organisation should be able to evidence the actions taken, including steps to check whether treatments were successful, and how long it took to respond to requests and complaints.

1. Purpose

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

2. Contents

8.1 Anti-social Behaviour
8.2 Construction Design and Management (CDM)
8.3 Cleaning and Cleanliness
8.4 Electrical Safety
8.5 Event Risk Management
8.6 Fire Safety in Housing Stock and Common Areas
8.7 Gas Safety and Inspection
8.8 Hygiene of Tenancies
8.9 Lifts Safety
8.10 Lighting
8.11 Play Parks Safety
8.12 Premises Fitness and Repair
8.13 Security
8.14 Water Systems and Legionella
8.15 Infestations
8.16 Privately Rented Properties
8.17 Tolerable Standard

LANDLORD FACILITIES SAFETY CONTROL MANUAL							
SECTION	8.1	**REVISION**	0	**DATE**	Oct 2016	**PAGES**	6
ASPECT	TOPIC SPECIFIC GUIDANCE – Anti-social Behaviour						

Landlords Guide to Anti-Social Behaviour



1. Introduction

Anti-social behaviour (ASB) can seriously damage the quality of life for residents and have a negative impact on neighbourhoods and communities.

This guidance highlights the appropriate steps that should be carried out by Landlords (Housing Associations) when responding to complaints of anti-social behaviour, provides methods which can help reduce/prevent anti-social behaviour in the community, and provides practical information and advice.

2. Legislation

- Antisocial Behaviour etc. (Scotland) Act 2004
- Crime and Disorder Act 1998
- Data Protection Act 1988
- Equality Act 2010
- Housing (Scotland) Act 2014
- Human Rights Act 1998
- Protection from Harassment Act 1997
- The Environmental Protection Act 1990
- The Noise Act 1996

3. Anti-Social Behaviour

Anti-social behaviour, which is often referred to as neighbour disputes, is an almost inevitable consequence when the lifestyles of those living close to each other clash. This can take place for numerous reasons, including: differing age groups, cultural backgrounds, working/sleeping patterns and household sizes.

The Antisocial Behaviour etc. (Scotland) Act 2004 defines anti-social behaviour as:
"a person engages in antisocial behaviour if the person- (a) acts in a manner that causes or is likely to cause alarm, distress, nuisance or annoyance; or 2 (b) pursues a course of conduct that causes or is likely to cause alarm, distress, nuisance or annoyance, to a person residing in, visiting or otherwise engaging in lawful activity at, or in the locality of, a relevant house."

4. Responding to Anti-Social Behaviour Allegations

Landlords have a responsibility to prevent their tenants behaving in an antisocial manner in and around their homes. If a tenant acts in a way which has caused or is likely to cause alarm, distress, nuisance or annoyance to anyone living near their home, the landlord must take action.

Landlords should encourage the victim to discuss the issue with their neighbour in the first instance. Where issues cannot be resolved between neighbours, landlords should investigate all allegations of anti-social behaviour promptly, and should initially aim to solve any disputes internally and informally. Early intervention is essential for

preventing an escalation of problems. The landlord should investigate and treat all anti-social behaviour allegations equally despite the age, gender, or background of the victim. All anti-social behaviour complaints should be recorded and updated when required.

Landlords may use a priority system to categorise each complaint. Priority 1 cases may relate to serious complaints of anti-social behaviour which will not be tolerated. This may include actual violence or threats of violence, any form of harassment and class A drug dealing. These complaints should be dealt with within 1-2 working days. Priority 2 cases may include: drug use, regular loud noise, graffiti and litter/rubbish. These cases, although serious, are not considered to put the victim at immediate risk. These cases should be investigated within 3-4 working days. Priority 3 cases are those which are not considered serious and do not put anyone at immediate risk. These may include one off incidents of loud noise and minor disputes between neighbours. These can be investigated within 5 working days.

4.1 Verbal/Written Warnings

Landlords can issue written and verbal warnings to tenants who have behaved anti-socially. Visits from housing staff may also be required to try to solve problems of anti-social behaviour. Written and/or verbal warnings can be very effective in preventing people behaving anti-socially. By challenging all unacceptable behaviour immediately, this establishes clear standards of behaviour and reinforces the message that anti-social behaviour will not be tolerated. Warnings should describe the behaviour observed, informing the tenant that this behaviour is unacceptable and explaining that there will be consequences if the behaviour continues. In many situations, raising awareness of the impact that the behaviour has on their neighbours and the threat of further enforcement can be a successful method in altering the person's behaviour.

4.2 Mediation

Where warnings fail to stop a person behaving anti-socially, mediation can be used. Mediation is a confidential process in which a neutral third party helps two or more people in dispute to seek a mutually acceptable solution informally. Community mediation services deal with disputes between neighbours and in the community, including noise, children, pets, parking and burglaries.

Mediation is an appropriate course of action if both parties are willing to go through with it. Mediation can take the form of direct, 'round the table' discussion, where the parties in dispute meet on neutral ground. If they are unwilling to meet, the mediators will act as intermediaries, conveying messages between each of the parties. The mediator remains impartial and sets ground rules for both parties.

4.3 External Agencies

In some cases, where anti-social behaviour is persistent, landlords may be required to utilise other external methods.

If a criminal offence has been committed, the landlord or victim should report the matter to the police. The police will then investigate and take action against any anti-social behaviour that is deemed a criminal offence. This may include: violence, threatening and abusive behaviour with the intent to cause distress and alarm, hate crime, and wilfully damaging someone else's property.

4.4 Anti-Social Behaviour Order

Landlords can also take legal action against an individual by asking the courts to impose an Anti-Social Behaviour Order (ASBO). ASBOs are civil orders, introduced by the Crime and Disorder Act 1998 to prevent behaviour that causes or would be likely to cause alarm or distress to others. The Antisocial Behaviour etc. (Scotland) Act 2004 extended the ASBO regime to cover 12-15 year olds. A breach of this order is a criminal offence, however, 12-15 year olds cannot face imprisonment. ASBOs can be used when support (such as counselling or mediation) has been tried or warnings have been given but the behaviour has not improved. If a tenant receives an ASBO their tenancy agreement can change from a Scottish secure tenancy agreement to a short Scottish secure tenancy.

5. Short Scottish Secure Tenancy

The short Scottish secure tenancy (SSST) is based on the Scottish secure tenancy, introduced by the Housing (Scotland) Act 2001. A SSST is a short term or probationary tenancy agreement that can be given to tenants. A Scottish secure tenancy (SST) can be converted to a SSST, or can be issued to new tenants, where the tenant, a household member or a visitor, has been involved in anti-social behaviour in the last three years. Those who have been evicted for anti-social behaviour in the last three years will be placed on a SSST for a minimum of 6 months. Those on a SSST face several restrictions, such as:

- They do not have the right to buy;
- There is no provision for succession; and
- Security of tenure is limited.

However it should be noted that the tenants 'Right to Buy' ended for all council and housing association tenants in Scotland on 1 August 2016.

After the probationary period, landlords must provide appropriate support to tenants to convert their tenancy to a Scottish secure tenancy after 12 months unless they have continued to behave anti-socially. SSST can be evicted more easily than SST. Landlords can start action to evict the tenant at any time if the tenant, someone in their

household or a visitor has been involved in anti-social behaviour. Landlords can also evict tenants at the end of the fixed lease period and are not required to provide a reason for doing so.

6. Supporting Victims/Witnesses

Witnesses are crucial in tackling anti-social behaviour, whether they are the direct victims of anti-social behaviour or residents who witness anti-social behaviour directed against the community. Landlords rely on witnesses to report incidents and provide evidence. It is therefore essential that victims and witnesses have confidence in the Organisation, that the information will be treated confidentially, and that their safety will not be compromised by coming forward. Landlords should offer support towards witnesses. Support may include:

- Simple reporting channels;
- Taking the complaint seriously and advising how it will be dealt with;
- A home environment assessment to understand what witness protection measures are required (such as installing new locks on windows and doors or a panic button);
- Emergency out-of-hours contact;
- Putting the witness in touch with other residents who might be available to offer support.

7. Supporting the Perpetrator

Often those who behave anti-socially have significant underlying problems, such as: abuse or neglect, alcohol and drug misuse, and/or, physical and mental health problems. Assisting perpetrators to identify and acknowledge their problems can help improve their behaviour. Landlords may offer support such as:

- Intensive family support;
- Drug and alcohol treatment;
- Group work for parents and children.

8. Anti-Social Behaviour Prevention

Landlords can impose measures that will create a physical and social environment where antisocial behaviour is less likely to arise. Applying potential preventative measures to neighbourhoods, may discourage individuals from behaving anti-socially. Examples may include:

- Developing services and productive programmes to help young people avoid getting drawn into antisocial behaviour;
- Adopting physical/situation measures i.e. improved lighting, anti-graffiti paint, CCTV;
- Responding quickly to local environmental problems caused by vandalism, littering, and rubbish dumping to avoid ASB accumulating;

- Using short Scottish secure tenancies (SSSTs) robustly, to deal with individual cases of ASB where appropriate and provide necessary support;
- Gathering and sharing information on ASB to highlight emerging problems and target preventative measures;
- Co-ordinating preventative services across other agency services, such as Local Authorities;
- Developing mediation and victim support services;
- Promoting neighbourhood management approaches, including introducing community warden schemes and neighbourhood compacts;
- Involving schools and youth services;
- Using local media to promote public awareness of antisocial behaviour and ways of addressing it.

8.1 Neighbourhood Watch

Neighbourhood watch schemes are very popular as they reassure people and help make communities more interactive and safer. Housing Associations can set up a neighbourhood watch scheme in an attempt to protect their tenants and properties, deter criminal activity, reduce fear and create a greater sense of security throughout the community.

LANDLORD FACILITIES SAFETY CONTROL MANUAL							
SECTION	8.2	**REVISION**	1	**DATE**	Aug 2025	**PAGES**	10
ASPECT	TOPIC SPECIFIC GUIDANCE – Construction Design and Management (CDM)						

Landlords Guide to Construction Design and Management (CDM)



1. Introduction

This guidance has been produced to help landlords understand their responsibilities with regards to the Construction (Design and Management) Regulations 2015, as well as to provide practical information and advice.

2. Definitions

Commercial client – *"an Organisation or individual for whom a construction project is carried out in connection with a business, whether the business operates for profit or not."*

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

Construction phase plan – *"a document recording the health and safety management arrangements for the construction work."*

Contractors - *"those who do the actual construction work and can be either an individual or a company."*

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

Pre- construction phase – *"any period during which design or predatory work is carried out for a project."*

Principal contractors - *"contractors appointed by the client to coordinate the construction phase of a project where it involves more than one contractor."*

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

3. Legislation

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

4. Construction (Design and Management) Regulations 2015

The Construction (Design and Management) Regulations (CDM 2015) are the main set of regulations for managing the health, safety and welfare of construction projects.

CDM applies to all building and construction work in the UK and includes new build, demolition, refurbishment, extensions, conversions, repair and maintenance.

5. Landlord Responsibilities

Under the Construction (Design and Management) Regulations 2015, Landlords are referred to as a "commercial client." Landlords have a major influence over the way a project is procured and managed. Regardless of the size of the project, landlords have contractual control, appoint designers and contractors, and determine the time, money and other resources available.

Landlords must make suitable arrangements for managing a project which ensures that construction work will be carried out without risk to the health or safety of any person affected by the project. Landlords should ensure that all appointed individuals and/or Organisations have the requisite skills, knowledge, experience and capability to manage health and safety risks.

Other arrangements which landlords are responsible for, include:

- Assembling the project team;
- Making respective roles clear;
- Ensuring sufficient time and resources for each stage of the project;
- Putting in place effective mechanisms for communication between team members;
- Taking steps to ensure that the principal designer and contractor comply with their duties;
- Ensuring the principal designer prepares a health and safety file;
- Setting out steps to be followed to ensure health and safety performance is maintained;
- Providing suitable welfare facilities for workers.

6. Dutyholders

The CDM Regulations define 5 dutyholders who all have shared responsibility for health and safety in construction projects. The 5 dutyholders are:

- Client;
- Principal Designer;
- Designer;
- Principal Contractor;
- Contractor.

Of the 5 dutyholders there are 3 main dutyholders that have responsibility for the management of health and safety during construction projects, namely:

- Client;
- Principal Designer;
- Principal Contractor.

Where there is more than one Contractor working on a project, then a Principal Designer and Principal Contractor must be formally appointed in writing.

7. Commercial Clients

A Client is anyone for whom a construction project is carried out. The CDM Regulations apply to both domestic and commercial clients. A Commercial Client is an organisation or individual for whom a construction project is carried out as part of a business, such as a housing association. As a Commercial Client, the Client duties set out in the CDM Regs apply in full to the organisation.

The Client's duties include:

- making suitable arrangements for managing the project, enabling those carrying it out to manage health and safety risks in a proportionate way. This includes:
    - appointing the contractors and designers to the project (including the principal designer and principal contractor on projects involving more than one contractor) while making sure they have appropriate skills, knowledge, experience and organisational capability;
    - allowing sufficient time and resources for each stage of the project;
    - making sure that any principal designer and principal contractor appointed carry out their duties in managing the project;
    - making sure suitable welfare facilities are provided for the duration of the construction work.
- maintaining and reviewing the management arrangements for the duration of the project;
- providing pre-construction information to every designer and contractor either bidding for the work or already appointed to the project;
- ensuring that the principal contractor or contractor (for single contractor projects) prepares a construction phase plan before the construction phase begins;
- ensuring that the principal designer prepares a health and safety file for the project and that it is revised as necessary and made available to anyone who needs it for subsequent work at the site;
- notifying a project to the HSE where it falls within the category of a notifiable project.

8. Principal Designer

A Principal Designer is the Designer appointed by the Client in projects involving more than one Contractor. Designers are organisations or individuals whose business involves preparing or modifying designs for construction projects, or arranging for, or instructing, others to do this.

Designers can be architects, consulting engineers, quantity surveyors and interior designers, or anyone who specifies and alters designs as part of their work. They can also be principal contractors, specialist contractors, tradespeople or even commercial clients, if they get actively involved in design work for their project.

The Principal Designer will take control of the pre-construction phase of any project involving more than one contractor.

The Principal Designer's key duties include:

- planning, managing, monitoring and coordinating health and safety in the pre-construction phase;
- helping and advising the client in bringing together pre-construction information, and providing the information designers and contractors need to carry out their duties;
- working with any other designers on the project to eliminate foreseeable health and safety risks to anyone affected by the work and, where that is not possible, taking steps to reduce or control those risks;
- ensuring that everyone involved in the pre-construction phase communicates and cooperates, coordinating their work wherever required;
- liaising with the principal contractor, keeping them informed of any risks that need to be controlled during the construction phase;
- preparing and developing the Health & Safety File for the project.

9. Designer

Designers are organisations or individuals whose business involves preparing or modifying designs for construction projects, or arranging for, or instructing, others to do this.

A Designer must:

- make sure the client is aware of the client duties under CDM 2015 before starting any design work;
- when preparing or modifying designs:
    - take account of any pre-construction information provided by the client (and principal designer, if one is involved);
    - eliminate foreseeable health and safety risks to anyone affected by the project if possible;
    - take steps to reduce or control any risks that cannot be eliminated;
    - ensure the work is designed in a way to eliminate risks associated with future maintenance of the works;
- provide design information to:
    - the principal designer (if involved), for inclusion in the pre-construction information and the health and safety file;
    - the client and principal contractor (or the contractor for single contractor projects) to help them comply with their duties, such as ensuring a construction phase plan is prepared;
- communicate, cooperate and coordinate with:
    - any other designers (including the principal designer) so that all designs are compatible and ensure health and safety, both during the project and beyond;
    - all contractors (including the principal contractor), to take account of their knowledge and experience of building designs.

10. Principal Contractor

A Principal Contractors is appointed by the Client to manage the construction phase of a project, where it involves more than one Contractor.

The Principal Contractor must:

- plan, manage, monitor and co-ordinate the construction phase of a project;
- take account of the health and safety risks to everyone affected by the work (including members of the public), in planning and managing the measures needed to control them;
- liaise with the client and principal designer for the duration of the project to ensure that all risks are effectively managed;
- prepare a written construction phase plan before the construction phase begins;
- implement, regularly review and revise the construction phase plan to ensure it remains fit for purpose;
- have ongoing arrangements in place for managing health and safety throughout the construction phase;
- consult and engage with workers about their health, safety and welfare;
- ensure suitable welfare facilities are provided from the start and maintained throughout the construction phase;
- check that anyone they appoint has the skills, knowledge, experience and, where relevant, the organisational capability to carry out their work safely and without risk to health;
- ensure all workers have site-specific inductions, and any further information and training they need;
- take steps to prevent unauthorised access to the site;
- liaise with the principal designer to share any information relevant to the planning, management, monitoring and coordination of the pre-construction phase;
- Assist with the development of the Health & Safety file. If the Principal Designer appointment ends before the project ends, then responsibility for completing the Health & Safety file falls to the Principal Contractor.

11. Contractor

A Contractor is anyone who directly employs or engages construction workers or manages construction work. This includes sub-contractors and any individual self-employed worker or business.

Contractors on all projects must:

- make sure the client is aware of the client duties under CDM 2015 before any work starts;
- plan, manage and monitor all work carried out by themselves and their workers, taking into account the risks to anyone who might be affected by it (including members of the public) and the measures needed to protect them;
- check that all workers they employ or appoint have the skills, knowledge, training and experience to carry out the work, or are in the process of obtaining them;
- make sure that all workers under their control have a suitable, site-specific induction, unless this has already been provided by the principal contractor;
- provide appropriate supervision, information and instruction to workers under their

control;
- ensure they do not start work on site unless reasonable steps have been taken to prevent unauthorised access;
- ensure suitable welfare facilities are provided from the start for workers under their control, and maintain them throughout the work;
- Where there is more than one contractor involved in the project, all contractors must:

    - coordinate their work with the work of others in the project team;
    - comply with directions given by the principal designer or principal contractor;
    - comply with parts of the construction phase plan relevant to their work;

- Where a contractor is the only contractor working on a project, they must ensure a construction phase plan is drawn up before setting up the site.

12. Construction Workers

A worker is anyone working for or under the control of a contractor on a construction site. Such as plumbers, electricians, scaffolders, painters, decorators and site supervisors.

Workers have responsibility for:

- only carrying out construction work if they have the relevant skills, knowledge, training and experience - or they are provided with the training and supervision that enables them to do it safely and without risk to health;
- making themselves aware of the health and safety risks involved in work on every site and the way those risks are managed;
- always following site rules and procedures;
- cooperating with other dutyholders, such as the contractor or principal contractor for the project;
- reporting any risks they find to whoever controls the work on site, whether the risks affect their own health and safety or anyone else, including other workers and members of the public.

13. Client Brief

A clear client brief is essential to the success of a project. Landlords should set a clear brief for the project which outlines: arrangements for how health and safety will be managed (such as including a provision for audit arrangements), the key requirements, the vision of the project and the aims and aspirations.

Where the range and nature of risks involved in the work warrants it, the management arrangements should also include:

- The expected standards of health and safety, including safe working practices, and the means by which these standards will be maintained throughout;

- What is expected from the design team in terms of the steps they should reasonably take to ensure their designs help manage foreseeable risks during the construction phase and when maintaining and using the building once it is built;
- The arrangements for commissioning the new building and a well-planned handover procedure to the new user.

A client brief can be a verbal discussion or written document.

14. Selecting the Project Team

Landlords are responsible for appointing designers and contractors. Landlords must ensure that all appointed individuals and Organisations have the necessary skills, knowledge and experience to carry out the required task.

Landlords may obtain the following information to make a suitable and sufficient assessment of the contractors before appointing them:

- Provision of EL/PL/PI insurance details;
- Provision of suitable references from previous clients or similar work;
- Provision of Safety Policy;
- Provision of licence to operate, where appropriate;
- Provision of risk assessments and method statements.

Other information which can be useful is:

- Details of a membership of a Trade Organisation or a Safety Group;
- Description of safety training provided;
- Health and Safety prohibition and improvement notices;
- Accident/injury data;
- Details of access to a qualified safety advisor.

15. Formally Appointing Duty Holders

If there is more than one contractor, or if it is reasonably foreseeable that more than one contractor will be working on a project at any time, the landlord must appoint in writing:

- A designer with control over the pre-construction phase as principal designer; and
- A contractor as principal contractor.

A principal designer is required to plan, manage and coordinate the planning and design work. The principal designer should be appointed as early as possible in the design process (if practicable at the concept stage) to assist landlords with tasks such as gathering the preconstruction information.

The principal contractor is required to plan, manage and coordinate the construction work. The principal contractor should be appointed early enough in the preconstruction phase to allow sufficient time to carry out duties (such as preparing the construction phase plan and liaising with the principal designer in sharing any relevant information for health and safety). Landlords should ensure that the principal contractor is provided with all the available relevant information required to draw up the construction phase plan (for example the pre-construction information).

Landlords have an ongoing duty to ensure the principal designer and principal contractor carry out their roles fully and effectively. Landlords must also ensure that the principal contractor has taken appropriate measures to protect worker safety.

Landlords who fail to appoint a principal designer and contractor will be responsible for fulfilling these roles.

16. Health and Safety File

A Health and Safety file is required for projects involving more than one contractor. The following information should be included in the Health and Safety file:

- A brief description of the work carried out;
- Any hazards that have not been eliminated through the design and construction processes, and how they have been addressed (e.g. surveys or other information concerning asbestos or contaminated land);
- Key structural principles (e.g. bracing, sources of substantial stored energy – including pre- or post-tensioned members) and safe working loads for floors and roofs;
- Hazardous materials used (e.g. lead paints and special coatings);
- Information regarding the removal or dismantling of installed plant and equipment (e.g. any special arrangements for lifting such equipment);
- Health and safety information about equipment provided for cleaning or maintaining the structure;
- The nature, location and markings of significant services, including underground cables; gas supply equipment; fire-fighting services etc.;
- Information and as-built drawings of the building, its plant and equipment (e.g. the means of safe access to and from service voids and fire doors).

Landlords should ensure the principal designer prepares the health and safety file for the project. As the project progresses, landlords should ensure that the principal designer regularly updates, reviews and revises the health and safety file to take account of the work and any changes that have occurred. Landlords should be aware that if the principal designer's appointment finishes before the end of the project, the principal designer should pass the health and safety file to the principal contractor, who then must take on the responsibility for the file.

When the project is complete, landlords must retain the file and ensure it is available to anyone who may need it for as long as it is relevant (normally the lifetime of the building) to enable them to comply with health and safety requirements during any subsequent project. The file can be kept electronically, on paper, on film, or any other durable form. If the property is sold, the landlord must pass the file on to the new owner.

17. Notification

Landlords must notify the HSE when the construction work on a construction site is scheduled to:

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

Where a project is notifiable, landlords must give notice in writing to the HSE as soon as is practicable before the construction phase begins. The easiest way to notify any project to the HSE is to use the online notification form F10 on the HSE's website.

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

LANDLORD FACILITIES SAFETY CONTROL MANUAL							
SECTION	8.3	**REVISION**	1	**DATE**	Sep 2017	**PAGES**	3
ASPECT	TOPIC SPECIFIC GUIDANCE – Cleaning and Cleanliness						

Landlords Guide to Cleaning and Cleanliness



1. Introduction

Landlords must ensure properties are fit for human habitation at the start and throughout their tenancy. This guidance highlights the responsibilities Landlords have with regards to the cleaning and cleanliness of domestic properties.

2. Legislation

- The Environmental Protection Act 1990
- Crime and Disorder Act 1998
- Antisocial Behaviour etc. (Scotland) Act 2004

3. Properties

Landlords should ensure their properties, including the garden, are clean and tidy before a tenant moves in. Tenants are then responsible for maintaining a clean house and garden throughout their tenancy.

4. Communal Areas

Landlords are normally responsible for the cleaning and general maintenance of communal areas (i.e. shared entrances, stairways, corridors, landings, fire exits, bin stores etc.). Landlords may hire external contractors to clean the communal areas regularly. Landlords can charge their tenants a service charge for this. Landlords should inform tenants when cleaning is scheduled to take place so that they will be aware when stairs and corridors may be slippery/wet.

Tenants must ensure that communal areas are kept clean and tidy. Tenants cannot obstruct corridors, stairways and fire exits with boxes, rubbish or personal belongings. These items in communal areas can: cause trips and falls, increase the risks associated with fire by obstructing an escape route, by blocking access for the Fire Brigade and/or by providing a source of fuel. Where personal belongings are identified, the responsible resident should be asked to remove them immediately. Landlords can remove these items if the tenant fails to do so and can charge the tenant for the cost of the removal.

Landlords should carry out periodic housekeeping inspections to ensure that properties and communal areas are kept clean and tidy.

5. Litter/Rubbish

Landlords should provide adequate provision for the storage of rubbish and should ensure there are enough rubbish bins for all occupants. Tenants should be advised to dispose of household rubbish in the appropriate way, for example using the refuse chute in multi-storey flats, placing rubbish in communal refuse bins, or by leaving it outside their home on the correct day for the refuse collectors. Tenants should be made aware at the start of their tenancy what day(s) the bins will be emptied and

should be advised to only put wheelie bins and recycling containers out on the day of collection. Wheelie bins should then be returned to their proper storage places as soon as possible after the rubbish has been collected. Landlords should inform tenants that syringes and other sharp items must be disposed of in sharp boxes and not left in communal areas.

Tenants must dispose of their rubbish properly in line with the landlord's requirements. This includes any bulky or unusual items. Large items of household rubbish should not be removed from the tenant's home until the day of uplift and, for safety reasons, doors should be removed from items such as fridge freezers. Landlords should take reasonable steps to identify tenants who are not disposing of unwanted items in the appropriate manner and advise them of the need to do so. If a landlord has to arrange for the removal of unwanted items as a tenant has failed to do so correctly, the tenant can be recharged for the cost of the service.

Tenants should not dump rubbish or fly tip (fly-tipping is the illegal disposal of waste). Landlords can work closely with local authority partners to prosecute the perpetrators of fly-tipping.

Failure to dispose of rubbish correctly can cause an infestation of vermin and pests.

Landlords Guide to Electrical Safety



1. Introduction

This Electrical Safety Guidance has been produced to help Landlords understand their responsibilities with regards to Electrical Safety in their premises, as well as to provide practical information and advice.

The guide is intended for all property types under the Landlord's control that contain electrical installations and fittings within the premises and any electrical equipment provided by the Landlord.

2. Definitions

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

For electrical work, using a firm or electrician that is a member of an accredited registration scheme operated by a recognised body (e.g. NICEIC or SELECT) will give some degree of confidence that the firm and/or person is competent.

3. Legislation

- British Standard BS7671:2018+A2:2022
- The Consumer Protection Act 1987

4. Landlords Duties

Landlords have a legal duty to ensure that electrical installations, fixtures, fittings, and any electrical equipment provided, is safe at the start of the tenancy and throughout its duration.

5. Electrical Checks

Visual

Landlords should carry out visual inspections on all electrical appliances at the beginning of a tenancy and regularly (for example every 6 months) throughout. Checks should also include common areas (such as stairways, corridors, door entry system etc.) Landlords should look out for the following:

- Broken accessories (such as sockets and light switches);
- Signs of blackness or scorching around sockets due to overloading;
- Overheating of electrical equipment;
- A smell of hot plastic or burning near a socket;
- Signs of sparks or smoke coming from a plug or appliance;
- Damaged cables to portable electrical appliances or trailing cables/flexes;
- Damages to the circuit breaker protecting the circuit.

The majority of dangerous defects in electrical appliances can be identified by carrying out these simple checks. Landlords should arrange for any defects to be repaired or replaced immediately by a competent person.

Periodic Inspections

An Electrical Installation Condition Report (EICR) should be carried out by a competent person (consideration should be given to membership of professional bodies) every 5 years or at the change of occupancy. Where a change of tenancy occurs after a short period (for example less than 6 months) of letting, a full periodic inspection and test may not be required.

Inspections should examine all installations for the supply of electricity and associated fittings, including -

- The consumer unit (or fuse box);
- All switches;
- Socket outlets;
- Light fittings;
- Any visible wiring.

A visual examination of Fixed electrical equipment should also be carried out, including:

- Fixed electrical heating equipment e.g. storage or panel heaters;
- Boilers and other heat producing equipment;
- Electric showers and over/under-sink water heaters;
- Hard-wired smoke and fire detectors.

The EICR should contain details of the following:

- The inspection and testing undertaken;
- The outcomes of the inspection and testing;
- Recommendations as to what remedial action (if any) is required;
- A declaration of whether or not the installation is safe for continued use.

The EICR should highlight any problems using different classifications: code C1 indicating 'danger present', code C2 indicating 'potentially dangerous' and code FI indicating 'further investigation required'. Any remedial work that is undertaken as a result of the inspection should then be recorded on a **Minor Electrical Installation Works Certificate**.

Portable Appliances

Landlords are required to take reasonable steps to ensure that all appliances such as electric kettles, fridges and washing machines provided as part of the tenancy

agreement are safe. Landlords should ensure that all portable appliances have the UKCA Mark or CE mark. Some may have additional safety marks, such as the British Standard Kitemark or the 'BEAB Approved' mark. These signs indicate that the equipment has been assessed by an independent body and meets the relevant product standard.

Landlords must ensure that all appliances supplied are suitable for the location and the intended use.

Landlords should also issue tenants with the manufacturer's instructions. Copies of the instructions should be left in the property so the tenants can refer to them as and when required.

Portable Appliance Testing (PAT)

If a Landlord provides appliances, Portable Appliance Testing (PAT) should be carried out on these items to ensure equipment is safe for continued use. PAT should be carried out by a competent person, either:

- An electrician registered with one of the Government-approved schemes, or
- A person (which can include the landlord) who has completed PAT training.

The PAT test requires a label for each appliance tested. These appliances may include:

- Electrical white goods (such as refrigerators and washing machines);
- Electrical brown goods (such as televisions and DVD players);
- Electric fires that are not fixed in place;
- Kitchen appliances, such as toaster and kettles;
- Hand held electrical equipment, such as hairdryers;
- Any other appliances provided by the landlord that are not permanently connected to the electrical installation.

Any appliance that fails the test must be replaced or repaired immediately.

6. Inspection Records

The landlord must receive and retain a copy of the EICR and PAT report for six years. A copy of the most recent EICR and PAT report must be given to the tenant before a tenancy starts. If an inspection is carried out during a tenancy, a copy relating to that inspection must also be given to the tenant.

7. Minor Electrical Installation Works Certificate

In some cases landlords may have a copy of a Minor Electrical Installation Works Certificate (MEIWC). MEIWC provide landlords, with a declaration that the new installation, alteration or addition, is safe to use at the time it is put into service. These

certificates, if retained, also provide a basis for any further inspection and testing, as they can help save on costly exploratory work which might otherwise be needed in future.

8. Fire Alarms & Emergency Lighting

Landlords must ensure that there is a fire alarm system and emergency lighting system installed (where required) to reduce the risk of fire causing harm to tenants. Regular inspections and testing should be carried out by a competent person.

9. Tenant Responsibilities

Tenants are responsible for reporting any electrical faults or observations to their landlord.

If a fault is identified, tenants should turn off the appliance immediately and keep the item out of use until it has been repaired or replaced.

Tenants should be advised to turn off electrical switches when they are not in use and not to overload plug sockets with multi-point adapters.

LANDLORD FACILITIES SAFETY CONTROL MANUAL							
SECTION	8.5	**REVISION**	2	**DATE**	Sept 2023	**PAGES**	6
ASPECT	TOPIC SPECIFIC GUIDANCE – Event Risk Management						

Landlords Guide to Event Risk Management



1. Introduction

This guidance has been produced to help landlords understand their responsibilities with regards to Event Risk Management as well as to provide practical information and advice for ensuring the safety and wellbeing of staff, contractors and public.

2. Legislation

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

3. Landlord Responsibilities

Landlords who organise events are responsible for ensuring the overall safety at the event is maintained so that as far as reasonably practicable, people setting up, breaking down and attending the event are not exposed to risks to their health and safety.

Examples of events landlords may organise are:

- Fun days;
- Fetes, fairs etc.;
- Street parties;
- Charity stunts;
- Annual General Meetings.

4. Risk Assessment

Landlords who organise events have a legal responsibility to ensure all persons who attend the event, including volunteers, helpers and contractors are safe.

A full risk assessment should be carried out for all phases of the event including the site/venue preparation, the event and the site/venue breakdown or clear-up. When carrying out a risk assessment, landlords should:

- Identify the hazards associated with the event, i.e. anything that can cause harm;
- Decide who may be harmed and how;
- Assess the level of risk;
- Identify appropriate and adequate precautions;
- Record findings.

When carrying out a risk assessment, the following factors should be taken into account:

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

The overall event risk assessment will help landlords to determine what controls or precautions are required to manage the event safely.

5. The Venue/Site

Landlords should ensure that all venues/sites are suitable for each individual event. All venues should have adequate space to allow the public to move around safely and routes to exits should be unobstructed.

Landlords should ensure there are suitable arrangements in place to enable people of different abilities to attend/access the event and use the facilities provided.

Outdoor Events

If an event is being held outdoors, the car park, footpaths and any staging/structures should be suitable for use in bad weather conditions. Landlords should also ensure that the ground conditions in public areas and access pathways are suitable for people with disabilities, including those who use wheel chairs, as well as families with toddlers and pushchairs.

There should be suitable lighting, including emergency lighting, if the event will go on after dark and there should be no obvious hazards on the site and surrounding areas (such as overhead power lines, stored chemicals or machinery, drops between ground levels etc.).

6. Emergency Procedures

A formal plan should be established to deal with any emergency situations which may arise during the event. The complexity of this will depend upon the size and nature of the event itself.

Landlords should also consider the risk from fire at all events, including outdoor events. All persons should be able to escape safely from any enclosure, tent or other premises in the event of a fire occurring.

7. Contractors

Landlords should ensure that all contractors are competent (i.e. they have sufficient skills and knowledge to do the job safely and without risks to health and safety). The degree of competence required will depend on the nature of the work or service or the type of equipment to be provided.

Landlords may obtain the following information to make a suitable and sufficient assessment of the contractors before appointing them:

- Provision of Public Liability/Employment Liability insurance details;
- Provision of suitable references from previous clients or similar work;
- Provision of Safety Policy;
- Provision of licence to operate, where appropriate;
- Provision of risk assessments and method statements.

Other information which can be useful is:

- Details of a membership of a Trade Organisation or a Safety Group;
- Description of safety training provided;
- Health and Safety prohibition and improvement notices;
- Accident/injury data;
- Details of access to a qualified safety advisor.

8. Temporary Structures

Some events may require temporary structures such as staging, tents, marquees, inflatable play equipment, stalls etc. Any marquee, tent or temporary structure erected as part of an event must be appropriate for the purpose intended, in good condition and erected by contractors. Materials used in temporary structures should be flame resistant. Landlords should ask contractors for the certificates to confirm this.

Landlords should ensure that all structures have an up-to-date inspection certificate and are properly tethered and used in accordance with manufacturer's instructions and guidance.

All staging and/or structures should be positioned so that it does not obstruct any entrances or exits from the site. Additionally, all structures should be free from trip hazards and other physical hazards (such as sharp edges, points etc.).

In some cases barriers may be required to protect the public against specific hazards (such as moving machinery, barbecues, vehicles and any other dangerous displays etc.). Any barrier/fencing used must be suitable for the purpose intended. The design must be capable of containing and protecting people, including small children, therefore a single rope barrier may not be sufficient.

Inflatable Play Equipment

Inflatable play equipment is extremely popular at events. Inflatable play equipment is *"designed to be used by members of the public for entertainment purposes either as a slide or for bouncing upon."*

Before buying or renting an inflatable for an event, landlords should ensure that it has been built to the current British Standard (BS EN 14960-1:2019) (if it has, there will be a label on it saying so).

Every inflatable should have at least 6 anchor points, though bigger ones could have more. All anchor points should be used, preferably with metal ground stakes at least 380mm length and 16mm diameter with a rounded top. Anchor points on the inflatable should have a welded metal '0' or 'D' ring fitted to the end. If ground stakes cannot be used then a system of ballast using water or sand barrels should be used.

Before use, landlords should check:

- The site is suitable;
- All anchorages are secure and in place;
- Ancillary equipment is in position (e.g. impact-absorbing mats);
- There are no significant holes or rips in the fabric or seams;
- The correct blower is being used;
- The internal air pressure is sufficient to give a firm and reliable footing;
- There are no exposed electrical parts and no wear on cables;
- Plugs, sockets, switches, etc. are not damaged;
- The connection tube and blower are firmly attached to each other.

9. Information Notices and Signage

Adequate signage should be displayed around the venue/site. Signage should include emergency exits, first aid points, fire points, information and lost/found children points and other welfare facilities such as toilets and drinking water.

10. First Aid Management

Landlords should ensure there is suitable first-aid provision for the number of people expected to attend and for the type of event. The results of the risk assessment will determine the number of first aiders required.

Landlords should ensure first aid posts are clearly signposted and all persons assisting at the event should know where the first aid post is situated. There should be a parking area close to the first aid area for ambulances.

All accidents, incidents and "near misses" should be recorded and retained for three years. Details should include:

- the date and method of reporting;
- the date, time and place of the event;
- personal details of those involved;
- a brief description of the nature of the event or disease.

11. Welfare Facilities

Landlords should ensure that there is adequate welfare facilities for all events. Landlords should:

- Provide toilets which are connected to mains services but temporary units can be used if required. If non-mains units are to be used, landlords should ensure safe and hygienic waste removal is arranged;
- Provide hand-washing facilities (no less than 1 per 10 toilets) with warm water, soap and hand drying facilities. Antiseptic hand wipes or antibacterial gel should be provided where warm water is not available;
- Regularly maintain, repair and service toilets throughout the event to ensure that they are safe, clean and hygienic;
- Ensure floors, ramps and steps of the units are stable and of a non-slip surface construction;
- Provide a location where enquiries can be made about lost children, lost property and for information about the event;
- Provide drinking water within easy reach of the audience and all catering operations;
- Provide enough rubbish bins around the site at places where they will be most required;
- Ensure bins are regularly emptied. Landlords should consider disposal methods and recycling.

12. Staff Safety

If the event is scheduled to finish late, landlords should make sure that all staff can get home safely and do not have to wait alone for buses, taxis etc.

Fire Safety in Housing Stock and Common Areas



1. Introduction

This Fire Safety Guidance has been produced to help landlords understand their responsibilities with regards to fire safety in their premises, as well as to provide practical information and advice.

This guidance outlines fire prevention measures that both landlords and tenants can use to ensure their properties are protected from fire.

2. Definitions

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

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

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

Dry Riser – *"used in buildings 18m to 59m tall to supply water for fire-fighting purposes via vertical pipes which are otherwise kept empty and dry.*

Dwelling – *"a house, flat, or other place of residence."*

Emergency Lighting – *"lighting provided for use when the supply to normal lighting fails."*

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

Smoke Alarm - *"device containing, within one housing, all the components, necessary for detecting smoke and for giving an audible alarm."*

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

Wet Riser – *"Used in buildings 60m or taller to supply water for fire-fighting purposes via vertical pipes which are kept full of water."*

3. Legislation

- BS 5839-6:2019+A1:2020
- Building (Scotland) Regulations 2004
- Domestic Technical Handbook (as revised)
- Fire (Scotland) Act 2005
- Fire Safety (Scotland) Regulations 2006
- Furniture and Furnishings (Fire) (Safety) Regulations 1988
- Gas Safety (Installation and Use) Regulations 1998
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Health and Safety at Work etc. Act 1974

4. Landlord Duties

Landlords have certain fire safety obligations to ensure tenants, visitors and fire fighters are safe. Landlords must ensure that the premises, equipment and devices are maintained in an efficient state, in efficient working order, in good repair and are subject to a suitable system of maintenance.

5. Fire and Smoke Alarms

The installation of smoke and fire detectors is intended to reduce the risk of fire and the consequent loss of life, injury and damage to property.

The presence of a suitable, properly installed and maintained automatic fire detection and warning system will alert occupiers to the presence of a fire in its early stages and enable them to evacuate to a place of safety before the escape routes become blocked by smoke or directly affected by fire. The fire detection system should be able to wake residents who are sleeping and alert of fires in all areas including hidden areas such as boiler rooms and cellars.

The revised Domestic Technical Handbook guidance states there should be at least:

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

All alarms should be interlinked.

Landlords should either install smoke and fire alarms that meet the standard set by building regulations or be able to justify why a lesser level of protection is appropriate in a particular property. Some properties (such as care homes) may be required to meet more stringent standards, in which case further alarms may be needed.

An alarm should be installed in accordance with the recommendations contained in BS5839 Part 6 (see appendix A) and the landlord should ensure alarms are regularly maintained in accordance with manufacturer's recommendations. A Grade D system is generally recommended for dwellings.

Landlords should ensure alarms are in working order at the start of each new tenancy. It is recommended as good practice that landlords advise tenants to test alarms on a weekly basis and not to tamper with alarms (see appendix B for more information on the testing and maintenance of alarms).

Communal Areas

It would not normally be expected for an alarm system to be present in the communal areas of residential properties. However, if they are, tenants should know what action to take if the alarm sounds.

6. Carbon Monoxide Alarms

Carbon monoxide alarms should be installed in any room containing a fossil fuel burning appliance (e.g. a coal fire, wood burning stove etc.).

7. Emergency Lighting

It is crucial that people can easily escape from a building to a place of safety. The escape route(s) must therefore be free from clutter and have sufficient light to ensure a safe escape.

If a fire occurs, tenants are likely to be panicked, distressed and disorientated, especially at night. Dedicated escape lighting is not necessary within dwellings as it is assumed the occupants will have a degree of familiarity with the layout. However in buildings containing flats and maisonettes, the common escape routes should be illuminated to assist occupants when making their way to a place of safety. Escape routes must be adequately lit, even if the mains power supply has failed. An emergency lighting system is designed to automatically illuminate upon the failure of the power supply to the conventional artificial lighting. Emergency lighting is required for:

- buildings considered to be at higher risk;
- a building containing flats or maisonettes;
- large buildings with long escape routes;
- buildings with a complex layout;
- buildings with neither natural nor borrowed lighting along the escape route;
- buildings with vulnerable occupiers or those posing a specific risk.

In order to assist the evacuation of occupants in high rise domestic buildings, every protected lobby, protected zone (including escape stairs) and any other associated escape route should be provided with emergency lighting designed and installed in accordance with BS 5266-1:2016.

It is recommended that the emergency lighting system is tested by the landlord on a monthly basis with a record of the test maintained for 3 years. A discharge test should also be carried out annually by a competent person. This will entail simulating a power failure and conducting a test for the full rated duration of the emergency lights (e.g. 3 hours). The emergency lights should still be working at the end of the test. It is strongly advised that the discharge duration test is conducted at a time of least risk (e.g. during hours of daylight) due to the risk of failure of the normal lighting supply just after a test has been conducted and subsequent risk of having too little charge in the batteries to provide the required discharge duration. If failures are detected, these must be remedied as soon as possible. The result should be recorded and retained for 3 years

8. Fire Doors and Compartmentation

A properly fitted and maintained fire door can help to suppress a fire and restrict its initial development by limiting the amount of oxygen available to it. It will also create a sealed barrier against smoke and flames.

In blocks of flats or maisonettes exit points and escape routes should be identified before fire doors are fitted. Buildings should be split into fire-resisting compartments by fire-resisting doors, walls and floors which will provide a physical barrier to fire. This will reduce the speed in which flames and smoke can spread through the building, ultimately buying the tenants' time to escape safely. When a fire door is closed, it will endure direct attack by fire for a specified period of time, usually ranging from 30 minutes to 60 minutes.

The doors connecting shared parts of a multi-occupancy dwelling, such as the doors to individual flats or apartments, should be able to resist fire for at least 30 minutes. For homes with an integral garage, the door that joins the garage to the main part of the house should be a 30 minute fire resisting door. Also, the doors used for plant rooms and rubbish chutes should be able to resist fire for at least 30 minutes.

Tenants should not change front doors without asking for the landlord's permission first, as it can affect the fire safety of the building and the communal escape routes.

9. Intumescent strips

Intumescent strips should be present on all fire doors. Intumescent strips are fitted into grooves cut into the door or the frame, or alternatively, can be surface mounted. As soon as the temperature in the vicinity of the strips exceeds 200°C, usually about 10-15 minutes after the start of a fire, the seal swells and seals the gaps between door and frame.

10. Emergency Exit Doors

Doors which are to be used as an exit in the case of an emergency should be able to be opened from the inside without the use of a key.

11. Fire Equipment

Fire extinguishers can be useful in restricting the development and spread of small fires in their early stages. However, unless a fire is very small, the best advice is to evacuate the building to a place of safety and call the fire and rescue service. The installation of extinguishers can lead to problems if they are not properly maintained, users are not properly trained, or where equipment is discharged through malice or horseplay. It is strongly recommended, therefore, that fire extinguishers are not installed.

Sprinklers are suitable for larger and complex buildings and in smaller buildings where a landlord is unable to reduce particular risks with other means.

In order to assist the Fire and Rescue Service extinguish a fire, it is recommended that dry risers are installed in any building above 18 metres in height and wet risers installed in any building over 50 metres in height. Outlets should be present on each floor and should be located in a fire escape staircase or similar protected location. Both dry and wet risers require a visual inspection on a six monthly basis and a pressure test on an annual basis carried out by a competent person.

12. Furnishings

Where furniture and furnishings are provided, landlords must ensure they are fully compliant with the Furniture and Furnishings (Fire) (Safety) Regulations 1998.

13. Fire Evacuation Plan

Some landlords may have a policy which requires a full evacuation of the premises upon activation of the main fire alarm system, others may have a stay put or phased policy. A stay put policy means that unless the fire breaks out in a flat, it is safest for tenants to remain in the flat unless asked to leave by the fire brigade. All tenants should be clearly informed on what action to take in the event of a fire.

Information should be provided to tenants, including an explanation of the working of the fire detection system and the need for good housekeeping (such as keeping escape routes clear of combustible materials). Instructions should form part of a tenancy agreement.

14. Smoke Control of Communal Areas

There should be some means of ventilating the common corridors/lobbies to control smoke and protect the common stairs. This can be achieved by either natural means or by means of mechanical ventilation. Ventilation ducts supplying or subtracting air directly to or from a protected stairway or entrance hall, should not also serve other areas.

15. Access and Facilities for the Fire Service

Landlords must ensure there is adequate access for the fire service. Landlords must ensure:

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

16. Disabled Persons

If a tenant has a disability, impairment or special needs, special devices can be installed such as:

- smoke alarms with a vibrating pad or flashing light for those with a hearing impairment;
- plugs which are designed to be easily removed;
- smoke alarms with a strobe light outside the house to catch the attention of neighbours or passers by;
- emergency call or alarm systems for summoning help.

17. Keeping Tenants and Visitors Informed

Landlords should ensure that all residents in blocks of flats or maisonettes are aware of the actions that should be taken in the event of a fire and where their nearest fire assembly point is located. Signs detailing this should be clearly displayed. This information can also be displayed in tenancy handbooks or tenancy start-up packs.

Fire action signs can be placed on corridors (on every level), entrance doors and common areas. Where fire safety signs are provided they should be in accordance with BS 5499-4:2013 and the Health and Safety (Safety Signs and Signals) Regulations 1996.

Landlords should take particular care to make sure residents whose first language is not English have access to clear and understandable fire safety information. Additionally, there should be alternative methods available (such as audio versions, copies in brail etc.) for residents with special needs, impairments or disabilities to allow them to clearly understand fire procedures and instructions.

18. Certification

Before a tenancy commences, landlords should:

- carry out an inspection to ensure there are no fire hazards;
- provide a new tenant with a copy of a gas safety certificate;
- provide a new tenant with a copy of an electrical safety certificate;
- provide a new tenant with a copy of a valid energy performance certificate;
- provide a copy of the evacuation procedure.

19. Tenant Responsibilities

Tenants also have several responsibilities with regards to fire safety. Tenants are responsible for:

- ensuring smoke alarms are in constant working order;
- carrying out regular tests of the smoke alarm;
- replacing batteries in smoke alarms;
- informing landlords if the smoke alarm is not in constant working order within 24 hours of becoming aware of the problem;
- ensuring communal areas are not obstructed;
- ensuring fire doors are not propped open;
- ensuring prams, bicycles, mobility scooters or any waste material are not stored in communal areas as this can fuel a fire, causing it to spread at a faster rate;
- ensuring no flammable materials are stored in cupboards with electrical circuits;
- disposing of rubbish in the bins provided.

Landlords should make tenants aware of these responsibilities in tenancy handbooks, tenancy start-up packs or information leaflets.

20. Fire Rescue Service

The Scottish Fire and Rescue Service (SFRS) offers free home fire safety visits (HFSVs) comprising an assessment of fire risk within the home at that time and the provision of advice on preventing fires, avoiding fire spread and formulating an escape plan in event of fire.

Landlords Guide to Gas Safety and Inspection



1. Introduction

This Gas Safety Guidance has been produced to assist Landlords to understand their responsibilities for Gas Safety in properties under their control, as well as to provide practical information, advice and guidance for ensuring the safety and wellbeing of tenants.

The guide is intended for all property types under the Landlord's control that contain gas installations within the premises and any gas equipment provided by the Landlord.

1.1 What are Gas Installations?

Gas installations are defined as appliances, fittings and flues within premises.

- **Gas Appliances** - are appliances used for heating, lighting, cooking or other purposes for which gas can be used. In general, portable or mobile appliances are not covered, except for the use of portable or mobile space heaters (e.g. LPG cabinet heaters).

- **Gas Fittings** – are pipework, valves (other than emergency controls), regulators, meters and fittings, apparatus and appliances designed for the use of the tenant for heating, lighting, cooking or other purposes for which gas can be used.

- **Gas Flues** – use a passage for conveying the products of combustion from the gas appliance to the external air.

2. Legislation

Landlords have a legal duty to protect tenants' safety by ensuring that gas installations provided for tenants' use within premises under their control is safe (fit for purpose and kept in good order) before a tenancy begins and throughout its duration.

The legislation relating to gas safety is listed below. *See Appendix A* for an Overview of the following Legislation.

- The Gas Safety (Installation and Use) Regulations 1998
- The General Product Safety Regulations 2005
- The Housing (Scotland) Act 2006
- The Building (Scotland) Regulations 2013

3. Landlord Duties

3.1 What are Landlords' duties?

Landlords have a duty to ensure that gas installations pipework, appliances and flues must be maintained in a safe condition. Gas appliances should be serviced in accordance with manufacturers' instructions. If these are not available it is advised that they are serviced annually.

3.2 Periodic Inspection and Testing

Gas Safety Checks must be carried out annually (12 monthly) on gas installations (gas appliances, pipework and flues installed at a property). Checks must be undertaken by a Gas Safe Registered Engineer, who will issue a Gas Certificate following the check.

The engineer will check the following:

- Gas appliances will be checked for gas tightness.
- If gas points are available, standing and working pressure will be tested.
- Check the burner pressure and gas rate against the manufacturer's data plate.
- Checks will be carried out for the provision of all necessary ventilation.
- Flue flow will be tested to make sure products of combustion are removed.
- All flame failure devices will be checked for satisfactory operation.
- Where appropriate, checks will be made for physical stability, presence and effectiveness of stability brackets.

Without completion of all the above checks an appliance cannot be issued with a Gas Safety Certificate.

3.3 Gas Safety Check

Under the Gas Safety Regulations all gas appliances have to be checked annually, **including the tenant's own appliances** in respect of gas soundness, ventilation and flue provisions. The tenancy agreement should clearly state if the tenant's own gas appliances are to be inspected during the annual gas safety check. It may be reasonable for the tenant's own appliance to be checked and any costs incurred are passed on to the tenant.

Even where there is no gas appliance or gas meter, each property that has an incoming gas main must be checked to ensure that the supply is safe and that no appliance or meter has been added without the landlord's knowledge.

Gas fires will be checked, switched on and a full smoke test carried out.

The tenant will be informed immediately if their own appliance is found to be defective or unsafe and they will be instructed that it is their responsibility to carry out the necessary service, repair or renewal. The appliance will be **disconnected and labelled as dangerous**, prior to the gas installer leaving the property.

Should the tenant refuse disconnection, the gas contractor will immediately inform both the tenant's gas supplier under Regulation 34 "Unsafe Appliances" of the 1998 Regulation and also the landlord. Under no circumstances will the **gas contractor service the tenant's own appliance.**

3.4 Gas Safe Certificate

A Gas Safe Certificate, also commonly referred to as a Gas Safety Record, is a document that confirms a Gas Safety check has been performed on gas appliances by a qualified Gas Safe Registered Engineer. The certificate will be issued by the engineer showing the outcome of the inspection and a reminder when it is next due for renewal.

The tenant will receive a copy of the gas safety certificate within 28 days of the gas check taking place.

In the case of void properties a copy of the certificate will be made available to the new tenant at commencement of the tenancy.

In properties which have communal gas installations a copy of the safety checks will be displayed in a prominent position in the communal area.

All original copies of the gas safe certificates should be sent to the landlord.

Gas Safety inspections are reviewed and audited to ensure proper completion. Any discrepancies observed should be raised with the gas contractor.

3.5 Action if an Appliance Fails Inspection and Testing

The safety check record will contain details of any safety defects identified and remedial action taken by the engineer. Landlords must ensure that any safety defects are rectified before the equipment is used again. Defects must be rectified by a Gas Safe Registered Engineer.

3.6 New Lease Inspection and Testing Requirements

Before any new lease starts, Landlords must make sure that Gas Safety Checks have been carried out within one year prior to the start of the lease date, unless appliances in the property have been installed for less than 12 months.

3.7 Record Keeping

Accurate records of Gas Safety Checks should be maintained. It is also good practice to keep details of any gas installation and maintenance work on file. The record is a 'living document' and landlords should supplement it with records of any follow up action taken (if required). This would provide a full record of the gas safety within the property.

All records are retained on file for a period of 2 years from the date of the annual check.

3.8 Access to Tenant Properties

Landlords must take 'all reasonable steps' to ensure gas safety checks and maintenance works are carried out. This may involve giving written notice to a tenant requesting access, and explaining the reason.

At the start of the tenancy the contract between the landlord and the tenant must state that the tenant will allow access for any gas general works, maintenance and checks to be carried out.

When tenants do not co-operate to allow access to the contractor to carry out Annual Gas Safety Visit checks, landlords have to show that they have taken all reasonable

steps to comply with the law. Landlords must keep a record of their actions to demonstrate the steps taken to discharge their duties:

- Personal visits explaining the reasons why access is required.
- Leaving the tenant a notice stating that an attempt was made to complete the gas safety check and providing relevant contact details.
- Write to the tenant (recorded delivery) explaining that a safety check is a legal requirement and that it is for the tenant's own safety.
- Give the tenant the opportunity to arrange their own appointment. The landlord should be flexible and arrange appointments for gas installers to call outside normal working hours.

Note: HSE inspectors will look for repeated attempts to complete the gas safety check, including the above suggestions; however the approach will need to be appropriate to each circumstance. It would ultimately be for a court to decide if the action taken was reasonable depending upon the individual circumstances.

If the tenant continues to refuse access after repeated requests, the landlord can arrange for the gas supply to be capped externally. Where it is not possible to cap the supply externally and in order to ensure compliance with statutory obligations, the landlord is required to give notice, as stipulated in the Scottish Secure Tenancy Agreement and under the terms of the Housing Act 2001, to force entry and carry out the Annual Gas Safety Visit or cap the supply internally.

Where there is concern about the safety of gas fittings at the property, the tenant's gas supplier should be contacted to attend the premises and use their powers to gain entry.

4. Gas Safe Registered Engineer

All works carried out on gas installations must be carried out by a 'Gas Safe Registered Engineer'.

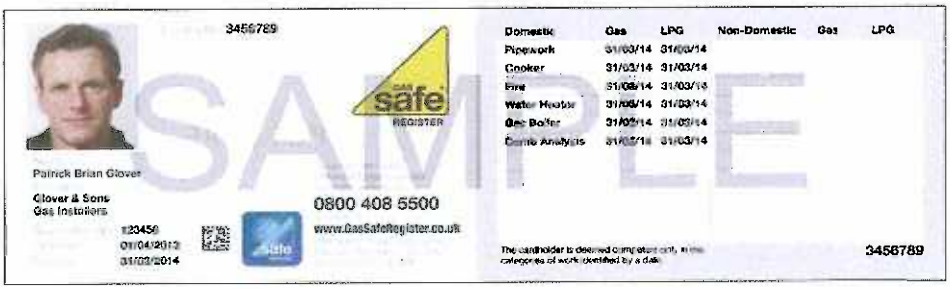
Gas Safe Registered Engineers must be registered with the Gas Safe Register, which contains the official list of gas engineers. To check that an engineer is registered Landlords can contact the company during normal working hours on 0800 408 5500 or go on the website by clicking the following link to check online (www.gassaferegister.co.uk).

4.1 Gas Safe Registered Engineer

The gas engineers must be **Gas Safe** registered and must hold a current relevant qualification under the Accredited Certification Scheme (ACS), listing the areas of gas work that the installer can undertake. This proof of competence must be provided to the Landlord. The Engineer should be able to provide a current ID card.

4.2 Engineer Identification

Whenever the gas engineer attends a property to undertake work they must have their Gas Safe ID card with them. The ID card contains a photo of the engineer, their business registration number and personal license number, company name, the start and expiry date of the card and a security hologram. The reverse of the card details what kind of gas work the engineer is able to do.



5. Tenant Information and Guidance

Landlords should actively promote the importance of the annual gas safety checks (ASVs) through various media, such as Newsletters, a Tenants Handbook, Tenancy Agreements and training for tenants at sign-up on the use of the gas appliances.

5.1 Tenant and Landlord Appliances

The landlord may have a policy for allowing tenants to use their own gas appliances. In such circumstances the landlord must have procedures in place to ensure that the tenants' appliances are registered with the landlord, are fitted correctly and are safe.

Any gas appliance that the landlord owns and provide for tenants' use is included in the landlord's legal duties. If a tenant has their own gas appliance that the landlord has not provided, then the landlord is responsible for parts of the associated installation and pipework **but not for the actual appliance**.

At the start of the tenancy the HSE recommend that landlords advise the tenant of any flues or chimneys that are unsuitable for the installation of a gas appliance. Therefore landlords may wish to consider regulating the installation of any appliance by a tenant through the conditions of the tenancy agreement.

To help the landlord fulfil their legal duties under the Health and Safety at Work etc. Act 1974, the HSE recommends that all flues (e.g. chimneys) connected to gas appliances should be included within the landlord's gas safety check, even where **they do not** serve appliances provided by the landlord.

All appliances which the tenant wishes to install such as cookers and fires must have a copy of the installation instructions for that particular make and model before being fitted, otherwise the appliances can be deemed illegal.

The appliance must be fitted by a qualified Gas Safe Registered installer.

Free-standing cookers connected by a flexible connector (bayonet fitting), are not considered to be 'readily movable', but can be moved, temporarily e.g. to clean the space they normally occupy. This type of activity is not regarded as 'work' within the meaning of these Regulations (The Gas Safety (Installation and Use) Regulations 1998).

The landlord/representative should visit all new tenants within one month after sign-up to ensure no illegal appliances have been fitted.

6. Carbon Monoxide Detection

The Domestic Technical Handbook recommends that a detection system is installed in all dwellings where:

- a new or replacement fixed combustion appliance (excluding an appliance used solely for cooking) is installed in the dwelling or
- a new or replacement fixed combustion appliance is installed in an inter-connected space, for example, an integral garage.

A carbon monoxide detection system to alert occupants to the presence of carbon monoxide should consist of at least:

- 1 carbon monoxide detector in every space containing a fixed combustion appliance (excluding an appliance used solely for cooking) and
- 1 carbon monoxide detector to provide early warning to high risk accommodation, that is, a bedroom or principal habitable room, where a flue passes through these rooms.

Unless otherwise indicated by the manufacturer, carbon monoxide detectors should be either:

- ceiling mounted and positioned at least 300mm from any wall or
- wall mounted and positioned at least 150mm below the ceiling and higher than any door or window in the room.

Appendix A – Gas Safety Legislation Overview

The Housing (Scotland) Act 2006

The Housing (Scotland) Act 2006 places a duty on Landlords and states that all installations in the property for the supply of water, **gas**, electricity, sanitation, **space heating** and **heating of water** are in a reasonable state of repair and in proper working order at the start of the tenancy and at all times during the tenancy. Any fixture, fitting and appliance provided by the landlord should be in a reasonable state of repair and in proper working order.

The Building (Scotland) Regulations 2013.

These regulations address the various aspects of building design and construction which include health and safety, energy conservation, welfare and convenience of disabled people. Guidance is provided in the Building (Scotland) technical handbooks for Domestic Buildings and Non Domestic Buildings. Section 3 (Environment) details the requirement for the installation and maintenance of gas appliances, flues and chimneys. Section 4 (Safety) requires the installation of a detection system in order to alert all occupants to the presence of harmful levels of Carbon Monoxide (CO).

Landlords – Gas Safety (Installation and Use) Regulations 1998.

The Gas Safety (Installation and Use) Regulations 1998 place specific duties on gas users, installers, suppliers and landlords. The Regulations deal with the safe installation, maintenance and use of gas systems, including gas fittings, appliances and flues, mainly in domestic and commercial premises. The requirements include both natural gas and liquefied petroleum gas (LPG). The main requirements are for landlords to **inspect and service gas installations on an annual basis** and to **only allow qualified and approved gas engineers** to work on any gas appliances or installations. These regulations sit within the wider context of the Health & Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999. The Gas Safety (Installation and Use) Regulations 1998 place specific duties on gas users, installers, suppliers and landlords see Appendix B for details.

General Product Safety Regulations 2005

Under the General Product Safety Regulations 2005 it is an offence to supply (including hiring out) a used gas cooking appliance unless it complies with certain safety requirements. For example, the gas carrying component must prevent leaks of gas, the gas shutoff devices must work properly and safely and surface temperatures must not be too high. Only someone who is **Gas Safe registered can install a gas appliance**.

Housing Scotland Act 2001

Section 79 of the Housing (Scotland) Act 2001 provides Scottish Ministers with the power to set and publish Performance Standards which forms the key reference point for all housing association activities. Performance Standards are fundamental to the way social landlords and regulated services behave and conduct their business. Housing associations are required to have in place a Gas Safety Policy which conforms to the standards set out by the Scottish Housing Regulator in 2009.

Appendix B

General Duties and Responsibilities for Gas Users, Installers, Suppliers and Landlords

- Anyone carrying out work on gas appliances or fittings as part of their business must be competent and **registered with the Gas Safe Register**.
- Only a competent person can carry out work on gas appliances or fittings. **Do-it-yourself** work on gas appliances or fittings could be dangerous and is likely to be illegal.
- The regulations place a number of restrictions on gas appliances installed in bathrooms, shower rooms and bedrooms that are detailed and prescriptive.
- It is illegal to install instantaneous water heaters, which are not room-sealed or fitted with a safety device that automatically turns the gas supply off before a dangerous level of poisonous fumes builds up.
- It is illegal to install any fixed fire, space heater or water heater of more than 14kW input into a room intended to be used as sleeping accommodation, unless it is 'room sealed'. If it is below 14kW, it must either be 'room sealed' or have an oxygen depletion cut out.
- No alterations are to be made to any premises which would adversely affect the safety of a gas fitting so as to result in any contravention of or failure to comply with the regulations e.g. installation/removal of a window, air bricks, extractor fans or putting extra weight on hidden pipes.
- Nothing may be done which could affect a gas fitting or any flue or means of ventilation in such a manner that subsequent use could constitute a danger to any person.
- Any person (Gas Safe Registered) disconnecting a gas fitting must seal off the outlet pipe.
- No person is to install a meter in a locked box without supplying a key.

Landlord Duties

- Landlords are responsible for making sure that gas fittings and flues are maintained in good order, and gas appliances that they own in their residential premises, and flues, are checked for safety every 12 months. They must also keep a record of the safety checks for at least two years and issue it to existing tenants within 28 days of the check being completed and any prospective tenants before they move in.
- Employers (Housing Associations) with gas appliances at places of work, landlords and providers of holiday accommodation must ensure that gas appliances, including LPG cabinet heaters, are checked for safety, including where relevant, checks on the effectiveness of the flue, the ventilation, gas operating pressure and gas tightness by a Gas Safe Registered engineer.
- As a minimum, the record of a gas safety check must contain:
  - A description of and the location of each appliance or flue checked.
  - The name, registration number and signature of the individual carrying out.
  - The check carried out.
  - The date on which the appliance or flue was checked.

- The address of the property at which the appliance or flue is installed.
- The name and address of the landlord (or their agent where appropriate).
- Any defect identified and any remedial action taken.

Tenant Duties

- Tenants must not use any gas appliance or fittings that they know or suspect to be unsafe. Through the Gas Safe Register, the Health & Safety Executive has asked all registered installers to disconnect any Gas Appliance or fittings that are so dangerous as to be a threat to life if they are used.
- Tenants are responsible for the maintenance and safety of appliances they own.
- No person searching for an escape of gas is to use any source of ignition e.g. a match or lighter.
- Combustible material must not be stored in any meter box.
- A statement confirming that the safety check has been completed and complies with the requirements of the Gas Safety (Installation and Use) Regulations 1998.

Landlords Guide to Hygiene of Tenancies



1. Introduction

Landlords are responsible for the health, safety and wellbeing of those living in their properties. Landlords must ensure that properties are wind and water tight and suitable for human habitation. This guide outlines the common conditions that can lead to health issues for occupants if the problem is not rectified. This guide also outlines preventive measures that landlords can use to reduce the likelihood of hygiene issues arising.

2. Legislation and References

- Housing (Scotland) Act 1987
- The Building (Scotland) Regulations 2004
- Putting Safety First: a briefing note on damp and mould for social housing practitioners

3. Temperature

Excessive Cold

When a home is consistently too cold, it is referred to as 'excess cold'. Those living in an excessively cold property can face health problems such as: flu, pneumonia, hypothermia, rheumatoid arthritis and strokes. A cold home is one which cannot be economically maintained at a temperature between 18°C and 21°C. The elderly and young are more likely to be affected by a home that does not have an adequate heating system. The landlord is responsible for carrying out any repairs on the heating system as well as ensuring that no draughts can come through the windows and doors. Preventive measures which landlords can take are:

- Ensuring appropriate levels of thermal insulation to minimise heat loss;
- Providing an appropriate heating system which is safely and properly installed and maintained and can be controlled by the occupant;
- Ensuring there is sufficient means for ventilation at times of high moisture in kitchens/bathrooms through the use of fans or opening windows;
- Properly fitting butt-jointed floor boarding, doors and opening windows.

Excessive Heat

'Excess heat' can also be a risk to health where a property is excessively hot. This has the potential to cause dehydration, strokes, heart attacks, breathing difficulties and infections. The elderly are more likely to be affected by an excessively warm home. Landlords can use preventive measures such as:

- Issuing a heating system that can be controlled by the occupant;
- Providing a means of cooling during hot days, either by natural ventilation or air conditioning;
- In some cases, blinds may be provided to block out sun light.

4. Condensation/Dampness/Mould

Condensation

Condensation occurs where moist warm air comes into contact with colder dryer air, or a surface, which is at a lower temperature. In this case, the air is unable to retain the same amount of moisture and the water is released to form condensation in the air or on the surface. Condensation is generally noticeable where it forms on non-absorbent surfaces (i.e. windows, window sills, mirrors or tiles) but it can form on any surface and it may go unnoticed until mould growth or rotting of material occurs.

Condensation Dampness

Condensation dampness generally occurs when a property cannot cope with normal levels of water vapour. This may be caused by a lack of insulation, ventilation or heating, or a combination of all of these things. The excess moisture settles on cold surfaces causing dampness.

Condensation dampness can appear on any surface and can result in mould growth, damage to furniture and belongings, peeling wallpaper and in some cases mite infestation.

Mould

Mould is a serious problem for both the Landlord and Tenant as there are many identified health problems associated with it such as: infections, asthma, respiratory problems, allergies and sinusitis. Moulds produce allergens, irritants, and possibly, toxins that can cause a reaction in humans.

The main causes of mould are:

- Water leaks from windows, roof, downspouts, guttering, internal plumbing and flooding;
- Rising damp – usually caused by non-existent or defective damp proof courses.
- Condensation from high relative humidity in air;
- Too much water vapour or steam being generated through cooking, washing, bathing, showering and clothes drying which is allowed to travel throughout the house;
- Inadequate ventilation;
- Inadequate heating;
- Inadequate cleaning and drying after major water leaks and bursts or floods.

Landlord/Tenant Responsibilities

Landlords are responsible for the exterior of the property, the supply of water and the maintenance of the plumbing. If the mould is a result of defects in the building then the landlord is responsible for carrying out the repairs.

Condensation and mould may be a consequence of the tenant's activities. Tenants can cause condensation by:

- Having hot steamy showers;
- Cooking on a stove;
- Drying clothes in a room or on a radiator;
- Having furniture too close to the walls

Condensation can occur if the property is inadequately heated or if there is insufficient ventilation. Landlords should remind tenants to open windows, doors and use extractor fans when carrying out these activities. Additionally, landlords should remind tenants to adequately heat the whole property to avoid dampness appearing in unheated rooms.

5. Managing Cases of Damp and Mould

In February 2023, a document was produced jointly by the Scottish Housing Regulator, the Chartered Institute of Housing, the Scottish Federation of Housing Associations and the Association of Local Authority Chief Housing Officers, titled "Putting Safety First: a briefing note on damp and mould for social housing practitioners". The briefing note provides lots of practical and useful guidance on how to prevent and treat damp and mould in properties to ensure that landlords are proactive, understanding of tenants' experiences, and effective in resolving any underlying issues that are causing damp and mould. The following main points contained in the briefing note provide social housing practitioners with an overview of how to successfully manage damp and mould within their organisation.

Identifying the Problem

The first step in tackling damp and mould issues is to identify the extent and cause of the issue. Landlords should be proactive in identifying and manging issues related to damp and mould. This can be done through drawing information from multiple sources including stock condition surveys, annual home visits and during works on void properties.

Tenants should be encouraged to raise concerns around damp and mould as soon as possible. Landlords should provide tenants with information on the risks of living with damp and mould, how to identify and report these issues, what steps the landlord will take and when it will be resolved. Tenants should also be informed of the complaints procedures in place and be provided with contact information for the Scottish Public Services Ombudsman (SPSO).

Tackling the Problem

When tackling damp and mould issues it is important that staff are given appropriate training for their role. All staff should receive general awareness training, including information on the organisation's procedures for dealing with damp and mould issues and how to properly report them. Some staff may require specific, technical training to help them properly treat damp and mould issues.

Instances of damp and mould should be dealt with promptly, with compassion and with an aim to prevent issues from reoccurring. Effectively dealing with damp and mould issues may require supporting tenants, particularly in providing advice on financial support that is available to them. Tenants should not be blamed for causing issues of damp and mould, but landlords should instead work together with tenants to effectively identify and treat root causes of damp and mould.

Follow Up

To ensure that efforts to treat damp and mould have been effective, initial treatments must be supplemented by a follow up visit to check whether the problem has truly been resolved. This should take place at least six weeks after the initial treatment. Further checks should be carried out regularly, for example every 3-6 months, to ensure that the issue remains resolved.

Using Technology

Technology can help to identify, tackle, and prevent damp and mould issues. If providing tenants with technology, it is important to consider the running costs and tenants should be given clear information on costs and effective operation. Landlords can use smart sensors that monitor air quality and moisture levels in properties which have had issues with damp and mould. These sensors can also alert the landlord if an excessive amount of moisture is detected so that it can be dealt with before damp and mould develop.

Data Management

An effective response to damp and mould cases will require knowledge of the property, the resident and historic repair works. Therefore, landlords must ensure they have robust data management and record keeping systems in place to have reliable information that can be easily accessed.

Handling Complaints

Complaints processes must be easy for tenants to understand, access and use. Landlords should share how tenants can complain and what steps they can take if they are not happy with the result of a complaint. Landlords should be able to evidence the actions taken, including follow up checks carried out after treatment works, and how long it took to respond to tenant requests and complaints. To ensure continual improvement, landlords should have a process in place to review complaints, identify performance issues and implement improvement measures where needed to policies, procedures, and staff behaviour.

6. Reporting Cases of Damp and Mould

As of April 2025, social landlords are required to gather data on damp and mould cases within their housing stock in order to report on the new damp and mould indicators that form part of the Annual Return on the Charter for the Scottish Housing Regulator. The 3 new indicators require landlords to report on the average length of time to resolve cases of damp and/or mould, how many cases were reopened and the number of open cases at the year end. Landlords must also provide a breakdown for each of the indicators of the number of cases caused by condensation and those caused by structural issues.

Landlords Guide to Lifts Safety



1. Introduction

1.1 Overview

Passenger Lifting Operations Safety Guidance has been produced to assist Landlords to understand their responsibilities for Lifts and Stair-lifts in properties under their control, as well as to provide practical information, advice and guidance for ensuring the safety and wellbeing of tenants.

The guide is intended for all property types under the Landlord's control that contain passenger lifting installations and any lifting equipment provided by the Landlord.

1.2 What are passenger lifts?

Under the Lifts Regulations 2016, 'lift' means "a lifting appliance serving specific levels, having a car moving along rigid guides or a fixed course and inclined at an angle of more than 15 degrees to the horizontal, intended for the transport of:

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

2. Legislation

Housing Associations as the landlord (Property Owner) and manager have a duty to their tenants and visitors to ensure the safe use of the relevant buildings and facilities, by taking all necessary steps to make sure all lift installations are maintained, inspected and repaired to the highest standard.

The legislation relating to lift safety is listed below. *See Appendix A* for an Overview of the following Legislation:

- Health and Safety at Work Act etc.1974;
- Management of Health and Safety at Work Regulations 1999, as amended;
- Workplace (Health, Safety & Welfare) Regulations 1992 (as amended);
- Lift Regulations 1997;
- Lift Regulations 2016;
- Supply of Machinery (Safety) Regulations 2008;
- Lifting Operations and Lifting Equipment Regulations (LOLER) 1998;
- All relevant British and European standards including BS 5655-1:1986 (Electric Lifts), BS 5655-2:1988 (Hydraulic Lifts), BS EN 81-28:2022 (remote alarms on passenger and goods passenger lifts), BS EN 81-70:2021+A1:2022 (accessibility to lifts for persons including persons with disability), BS EN 81-73:2020 (behaviour of lifts in the event of a fire);
- Provision and use of Work Equipment Regulations 1998 (PUWER);
- INDG339 Thorough Examination and Testing of Lifts;

- ACOP L113 Safe use of lifting equipment
- Electrical Regulations 1989
- IET Wiring Regulations (BS 7671);
- Safe Working on Lifts (Code of Practice) BS 7255:2023;
- Disability Discrimination Act 1995 and 2005;
- Building Regulations (Scotland) Technical Handbook Domestic Properties (Vertical circulation in common areas of domestic buildings);
- Scottish Housing Quality Standards (SHQS);
- SAFed Guidelines on the Supplementary Tests of In-Service Lifts 2021.

3. Landlord duties

3.1 What are landlords' duties?

Landlords are responsible for maintaining passenger lifts and for carrying out periodic thorough examinations and inspections to ensure those lifts operate safely

Under the regulations the person responsible for the safe operation of a lift is classed as the **"Duty Holder"** and has a legal responsibility to make sure that the lift is thoroughly examined and that it is safe to use.

Section 3 of the ***Health and Safety at Work Act 1974*** (HSWA) 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.

While the ***Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)*** do not apply directly to passenger lifts in domestic premises, businesses providing this equipment have responsibilities for its safety (i.e. it will require routine maintenance and inspection). A similar regime of maintenance, inspection and examination to that required under LOLER may be considered 'reasonably practicable' in managing the risks (i.e. the risks may be the same as using lifts in connection with work. In addition, insurers may impose demands for similarly stringent levels of risk management to cover public liability.

In Scotland, social landlords are required to meet the ***Scottish Housing Quality Standard (SQHS)***. Meeting the SQHS includes compliance with ***Technical Guide for healthy, safe and secure homes – Annex E***.

3.2 Legal requirements – periodic inspection and testing

The law requires that all lifts, when in use, should be 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.

Note: When first installed, new lifts do not require initial thorough examination as long as they have been manufactured and installed in accordance with the Lifts Regulations 1997 or Lifts Regulations 2016 and have a current declaration of conformity, i.e. made not more than 12 months before.

A new lift is one where:

- No lift previously existed;
- An existing lift has been completely replaced; or
- Only the existing guide rails and their fixings or the fixings alone have been retained.

General Duty of Care Check List
When taking on responsibility for lifts and escalators

All lifts installed since 1999 and escalators since 1997 should be supplied with a declaration of conformity as well as relevant documentation concerning their use

Has this been received by the Association?

YES

NO

NO

Is there a maintenance contract in place?

The law requires that equipment be maintained safely.

Contact the Installer or the contractor for the building or previous tenant.

A Contract should be put in place without delay.

Note: it is strongly recommended that for new lifts the contract is with the installer to protect any warranty.

YES

Contract in Place

For existing equipment a survey should be undertaken to ensure compliance with current safety standards / regulations.

Familiarise those concerned with safe release procedures

Note: There should be a written procedure on what to do in an emergency situation including the availability of keys.

Arrange for a staff member to undertake regular checks to avoid equipment being unnecessarily out of service.

Arrange to have undertaken a thorough examinations Note: This is a statutory requirement (6 monthly).

Check that you have arrangements in place for reporting Accidents as required under RIDDOR.

Arrange to have undertaken a thorough examinations Note: This is a statutory requirement (6 monthly).

4.1 Competent person

Lift Safety inspection should be conducted by a **Competent Person** from an **Independent Inspection Company.**

A competent person is someone who…

"Has such appropriate practical and theoretical knowledge and experience of the lifting equipment to be thoroughly examined as will enable them to detect defects or weaknesses and to assess their importance in relation to the safety and continued use of the lifting equipment".

The HSE states:-

"It is essential that the competent person is sufficiently independent and impartial to allow objective decisions to be made"

"For this reason, it is not advisable for the same person who performs routine maintenance to carry out the thorough examination, as they are then responsible for assessing their own work".

Prior to employing a contractor to conduct routine inspection and maintenance on passenger lifts, it is important to ensure that individuals and the company they work for are competent to carry out the work correctly and safely, the company must have insurance cover, be a member of a recognised professional trade's body and have ISO9001 and / or ISO 45001 certification, approved by UKAS (the United Kingdom Accreditation Service) or a European certification body of equivalent status. Information on competent contractors can be obtained from the Lift and Escalator Industry Association (LEIA).

4.2 Thorough examination

A thorough examination is a systematic and detailed examination of the lift and all its associated equipment by a competent person. Its aim is to detect any defects which are, or might become, dangerous, and for the competent person to report them to the duty holder and, if appropriate, the enforcing authority (the Health and Safety Executive or local authority) so that appropriate remedial action can be taken.

To determine the extent of the thorough examination, the competent person will assess the risks, considering factors such as where the lift will be used, frequency of use, age and condition, the weight of loads to be lifted, etc.

Thorough examination should not be confused with preventive maintenance, although they have some elements in common. Preventive maintenance usually involves replacing worn or damaged parts, topping up fluid levels and making routine adjustments to ensure risks are avoided. Thorough examination may act as a check that maintenance is being carried out properly, but is not intended to replace it.

Thorough examination should include the following:

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

4.3 Supplemented inspections

Thorough examination may also be supplemented by inspections. Inspections should be carried out at suitable intervals between thorough examinations and may be done 'in-house' by a competent, trained employee. Inspections would normally include visual and functional checks, e.g. that the alarm interlocks operate correctly and lift doors cannot be opened from the landing side. See Appendix B for In-House Check List.

4.4 Action following notification of defects

The competent person is legally required to notify the association as soon as possible, following a thorough examination, of any defects which are, or could soon become, dangerous. If association is notified of a serious and significant defect it should immediately take the lift out of service until the fault has been addressed.

If the association fails to take the lift out of service/operation it will be in breach of the law. The competent person may also notify the association of defects which need to be made good within a certain timescale. In this case, the association should take steps to have the defective equipment repaired or replaced within the specified time, and not use the lift after that time unless the defect has been satisfactorily remedied.

4.5 Preventative maintenance

Preventative maintenance usually involves replacing worn or damaged parts, topping up fluid levels and making routine adjustments. The thorough examination may act as a check that maintenance is being carried out, but it is not intended to replace it and the association will need its lift to be serviced at suitable intervals independent of the results of the thorough examinations.

Although there is no legislation that requires lifts to undergo regular maintenance, the Provision and Use of Work Equipment Regulations 1998 (PUWER) requires employers, the self-employed and others in control of work equipment to ensure that 'All work equipment is maintained in an efficient state, in efficient order and in good repair and where any machinery has a maintenance log that it be kept up to date.'

4.6 Documentation and Reporting

The competent person is legally required to send the association a written and signed report of the thorough examination as soon as practicable. This should normally be within 28 days, but if there is a serious defect which needs to be addressed, the association should expect to receive the report much sooner.

If the competent person identifies a defect which presents an 'existing or imminent risk of serious personal injury' they are also legally required to send a copy of the report to the enforcing authority. By law, the report must contain certain information, specified in Schedule 1 of LOLER. In summary, it should:

- Identify the equipment examined (serial number, make, etc.), the employer and the premises;
- Give the date of the last thorough examination and specify when the next one should take place;
- Specify the safe working load of the lift;
- Give the reason for the thorough examination (e.g. following installation, according to an examination scheme, statutory interval, etc.);
- Identify any defect which is or may become a danger to people;
- Give the details of any repair, renewal or alteration required to remedy the defect and the date by which it should be undertaken;
- Give details of any tests carried out;
- Give details of the person carrying out the report and the person validating the report on their behalf.

NOTE: If the report does not contain all the information above, the association should not accept it, as this may place the association in breach of the law. Try to resolve the matter with the competent person, but if this is unsuccessful you should contact your local enforcing authority for advice.

4.7 Keeping Records

The association is legally required to ensure that reports of **Thorough Examination** are kept available for consideration by health and safety inspectors for at least two years or until the next report, whichever is longer.

Reports may be kept electronically as long as the association can provide a written report if necessary. If associations have chosen to have their lift examined according to an examination scheme, they must ensure that they can produce a written scheme for inspection if necessary. If the association cannot, an inspector will assume that the lift is being examined at statutory intervals (every 6 months).

5.0 Emergency Procedures

What as a lift owner / operator should you be doing to satisfy the obligations under LOLER?

5.1 Suitable arrangements for the routine release of people trapped in lifts include:

- Ensuring there are suitable communications in lifts so that a person trapped inside can clearly see how to raise the alarm and be reassured that help is on its way;
- Ensuring the emergency lighting in the lift car is working correctly;
- Providing trained staff able to release people who are shut in a lift – lifts must be risk assessed and staff must be properly trained before being authorised to carry out lift releases or Providing a lift release service through a lift engineering or similar company;
- Distributing information to lift users so that they know what to do if they get trapped in a lift.

Note: Scottish Fire and Rescue do not have a legal obligation to release trapped lift passengers and are moving away from attending calls as a first response – unless it is a real emergency – as it is an unnecessary drain on resources which could be used to attend more essential emergencies.

5.2 The advantages of having properly trained personnel are:

- Satisfying the Association's obligations under the Lifting Operations and Lifting Equipment Regulations;
- Provides rapidity of response: If you have your own staff on site, they can attend to passengers trapped in lifts almost immediately;
- The maintenance contract you have with your lift servicing company may or may not provide for responses to lift trap-ins. If they do, they will almost certainly have qualifying terms like 'best endeavours' to meet those response times. This is understandable to some degree as there may be influences outside of their control e.g. traffic hold-ups.

5.3 Correct Procedure

In the UK the procedure for the releasing of people trapped in lifts is detailed in British Standard 7255:2023. Pertinent clauses of that Standard are given below.

- Clause 4.1.3: All persons who are authorised to carry out safe release of trapped passengers should receive specific training.
- Clause 4.1.4: The competency of those trained should be documented and assessed annually. The competencies achieved and the type of equipment the training was carried out should be documented.
- Clauses 4.8 and sub clauses: This deals with general procedures for the safe release procedures.

6. Stair Lifts

6.1 Legislation and Statutory requirements

LOLER (thorough examination) and PUWER (maintenance and inspection) apply only to stair lifts provided as work equipment for use by employees. Where stair 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 & Safety at Work etc. Act 1974. These may be adequately discharged by undertaking maintenance, inspection and a 6-monthly thorough examination.

All new stair lifts (either when first placed on the market, or first brought into use), are subject to the Machinery Directive / Supply of Machinery (Safety) Regulations 2008. They must be constructed to be safe, supplied with Instructions, a Declaration of Conformity and CE marking. Those stair lifts which involve a hazard of falling from a vertical height of 3m or more are subject to Annex IV (item 17) of the Machinery Directive (so subject to conformity assessment as required by Article 12 (3) or 12 (4) of 2006/42/EC).

6.2 Stair Lift Compliance

The HSE advises that routine maintenance typically involves checking and replacing worn or damaged parts, lubrication, and making routine adjustments. This is to ensure the equipment continues to operate as intended, and risks associated with wear or deterioration are avoided. Manufacturer's guidance should be followed, especially where failure to do so might lead to harm.

If stair lifts are to be installed, residents should be assessed to see whether they are able to use them safely without assistance. Where a stair lift is installed in a Care Home and residents require help in using a stair lift, staff should be trained in its safe use and the best way to assist the resident. Stair lifts should comply with ISO 9386:2000 and BS 81-40:2020.

Sometimes vertical lifting platforms are installed to help residents with impaired mobility bypass short flights of stairs. They should be manufactured to ISO 9386 Part 1: Vertical lifting platforms. Advice on the design, construction, installation, operation and maintenance of vertical lifting platforms is provided in BS 6440:2011 Powered vertical lifting platforms having non-enclosed or partially enclosed lift ways intended for use by persons with impaired mobility – Specification

Appendix A – Legislation Overview

The Lifting Operations and Lifting Equipment Regulations 1998

The main feature of LOLER - so far as lifts that carry persons are concerned - is the requirement for the lifts to be thoroughly examined at least every six months or in accordance with a written scheme. In the case of goods only lifts, thorough examinations are to be undertaken at least every twelve months or in accordance with a written scheme. A competent person should undertake the thorough examination. Under LOLER, the term "thorough examination" includes, where necessary, testing.

The Provision and Use of Work Equipment Regulations 1998

A lift constitutes "work equipment" whether it is used in the conventional way for transporting persons and goods at work or by those at work undertaking a maintenance activity. The lift owner, either as the employer of those using the lift or as the person employing the services of those undertaking the maintenance of the lift, has a responsibility for ensuring its suitability for the work to be undertaken. "Work Equipment" means any machinery, appliance, apparatus, tool or installation for use at work. There is an apparent anomaly in the requirements in that where a lift is primarily for the use of members of the public, for example in a shopping centre, it is not subject to the Regulations as it is not considered to be "Work Equipment". However, the owner of such a lift still has to satisfy the requirements of the Health and Safety at Work etc. Act and it is stated such requirements will probably be satisfied by compliance with the (PUWER 98) Regulations. The same can be said for the requirements of the Lifting Operations and Lifting Equipment Regulations.

The Lift Regulations 1997

The Regulations enact a European Directive aimed at harmonising requirements for lifts and at the same time setting minimum standards of safety throughout the European Union. Compliance with the Regulations is deemed to be fulfilled where the lift installation is in accordance with an approved Harmonised Standard and in such event the lift installer is authorised to inspect, test, affix the CE marking and issue the necessary Declaration of Conformity - always providing he has been assessed and has received ISO 9000 certification as required under the Regulations. The Lifts Regulations apply only to new lifts installed after 1st July 1999 - they are not retrospective.

The Lift Regulations 2016

The Lifts Regulations 2016 implemented into UK law EU Directive (2014/33/EU) relating to lifts and safety components for lifts. The EU Withdrawal Act 2018 preserved the Regulations and enabled them to be amended so as to continue to function effectively now the UK has left the EU. The 2016 Regulations set out the requirements which must be met before products within their scope can be placed on the GB market and require manufacturers and installers to show how their products meet the 'essential health and safety requirements'.

Health and Safety at Work Act etc.1974

The Health and Safety at Work etc. Act 1974 (also referred to as HSWA, the HSW Act, the 1974 Act or HASAWA) is the primary piece of legislation covering occupational health and safety in Great Britain. The Health and Safety Executive, with local authorities (and other enforcing authorities) is responsible for enforcing the Act and a number of other Acts and Statutory Instruments relevant to the working environment.

Management of Health and Safety at Work Regulations 1999

The Management of Health and Safety at Work Regulations 1999 places a duty on employers to assess and manage risks to their employees and others arising from work activities. Employers must also make arrangements to ensure the health and safety of the workplace, including making arrangements for emergencies, adequate information and training for employees, and for health surveillance where appropriate. Employees must work safely in accordance with their training and instructions given to them. Employees must also notify the employer or the person responsible for health and safety of any serious or immediate danger to health and safety or any shortcoming in health and safety arrangements.

The Workplace, (Health, Safety and Welfare) Regulations 1992

These regulations deal with physical conditions in the workplace and require employers to meet minimum standards in relation to a wide range of matters, which include: maintenance of buildings and equipment, lighting, provision of drinking water, temperature, rest facilities (including that for pregnant women and nursing mothers), ventilation, toilet facilities, cleanliness and condition of floors and traffic routes.

Appendix B - In-house Check List

In addition to routine maintenance (servicing, repairs and inspections conducted by a competent person (external contractor), there are certain inspections/checks which can and should be carry out in house by a responsible person, it should be noted **that these checks are not a substitute for the checks to be undertaken by the maintenance contractor.**

Example of In-house check lists

	Lifts	Pass	Fail	Remarks
1	Visual inspection of the lift car operating panel.			
2	Check that all the indicators are working correctly.			
3	Ensure the alarm/communication system functions correctly.			
4	Check that the lift doors open when the 'door open' button is depressed.			
5	Check that all position indicators on the landing are working correctly			
6	Check all lighting is in working order.			
7	Check any mechanical/electronic door protection device (safety edge) so that:			
	(a) When the safety edge is operated the door re-opens.			
	(b) After operation and removal of any obstruction the door closes.			
8	Check that the floor in the immediate vicinity of the landing door is in a clean and safe condition.			
9	Check the landing doors/gates and architraves ensuring there is nothing which can snag a passenger's clothing.			
10	Clean door bottom tracks.			
11	Undertake a full ascent and descent to assess for any unusual noise.			

Action Required:					
Details Remedial Action Taken:					
Date:		**Name :**		**Signature:**	

CAUTIONARY NOTE:
Caution needs to be exercised when carrying out the following tasks:-

- Moving heavy equipment, i.e. safes and office machinery due to weight and dimensions.

- Keeping secure from other than authorised persons, the machine room access and keeping control of landing door emergency release keys and the distribution of car preference control keys.
- Cleaning enclosures for glass lifts. No person should have access to the lift well without the lift maintenance engineer

Appendix C - Recommend Safety Improvements of existing lifts

The BS EN 81-20:2020 Standards Part 80 "Rules for the improvement of safety of existing passenger and goods passenger lifts" deals with the safety and inspection regime of lifts placed into service prior to 1998. Based on the above legislation the Lift and Escalator Industry Association (LEIA) has produced a guide to cover a few of the recommendations which was felt should have equal priority in the light of practical experience.

The points covered in the Guide include:-

- Floor levelling with particular regard for the infirm and partially sighted.
- Two-way communication for persons who may become trapped in the car.
- Protection of voids in the lift well.
- Lighting in the lift well.
- Safe access to machine room.
- Provisions for the safe release of passengers.
- The fitting of electronic protective devices on lift doors.
- Protection against the risk of crushing.
- Protection against electric shock.
- Controls to protect maintenance personnel when travelling on the car top.

Appendix D – Useful Contact Details

LEIA (Lift and Escalator Industry Association)
Rotherwick House
3 Thomas More Street
St Katherine's & Wapping
London E1W 1YZ
Tel: 020 7935 3013
Email: enquiries@leia.co.uk
Online Form: https://www.leia.co.uk/contact/

(CIBSE) The Chartered Institution of Building Services Engineers
91-94 Saffron Hill
London, EC1N 8QP
Tel: 020 8675 5211
E-mail: websupport@cibse.org

(BSI) British Standards Institution
389 Chiswick High Road
London, W4 4AL
Tel: 0345 086 9001
E-mail: cservices@bsigroup.com
Online Form: https://www.bsigroup.com/en-GB/forms/general-enquiry/

(HSE) Health and Safety Executive
Tel: 0300 003 1747
Online Form:
https://www.hse.gov.uk/contact/ask-us-about-health-and-safety.htm

(SAFed) Safety Assessment Federation
Unit 4, First Floor
70 South Lambeth Road
Vauxhall, London, SW8 1RL
Tel: 020 7582 3208
E-mail: admin@safed.co.uk

NOTE: The Lifts Regulations 1997 (SI 1997/831) are available from The Stationery Office on 0333 202 5070

Landlords Guide to Lighting



1. Introduction

This guidance has been produced to assist Landlords to understand their responsibilities with regards to 'lighting' of premises, as well as to provide practical information and advice for ensuring the safety and wellbeing of occupants.

2. Legislation

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

3. Emergency Lighting

It is critical that people can escape from a building to a place of safety easily. The escape route(s) must therefore be free from clutter and have sufficient light to ensure a safe escape.

In the event of a fire it is crucial that tenants can evacuate the property safely. If a fire occurs, tenants are likely to be panicked, distressed and disorientated, especially at night. Dedicated escape lighting is not necessary within dwellings as it is assumed the occupants will have a degree of familiarity with the layout, and escape routes only begin at the door to the dwelling. However in buildings containing flats and maisonettes, the common escape routes should be illuminated to assist occupants when making their way to a place of safety. Escape routes must be adequately lit, even if the mains power supply has failed. An emergency lighting system is designed to automatically illuminate upon the failure of the power supply to the conventional artificial lighting. Emergency lighting is required for:

- buildings considered to be at higher risk;
- a building containing flats or maisonettes;
- large buildings with long escape routes;
- buildings with a complex layout;
- buildings with neither natural nor borrowed lighting along the escape route;
- buildings with vulnerable occupiers or those posing a specific risk.

In order to assist the evacuation of occupants in high rise domestic buildings, every protected lobby, protected zone (including escape stairs) and any other associated escape route should be provided with emergency lighting designed and installed in accordance with BS 5266-1:2016.

Emergency lighting may be inspected as part of monthly housekeeping checks.

4. Natural Lighting

Every building must be designed and constructed in such a way that natural light is provided to ensure the health of occupants is not threatened. All habitable rooms

should have natural lighting to enable domestic activities to be undertaken safely. A clear glazed window which equates to one tenth of the room floor area is usually considered adequate. All staircases, landings, kitchens and bathrooms should also have a window wherever practicable.

5. Internal Lighting

A dwelling should have an electric lighting system providing at least one lighting point to every circulation space, kitchen, bathroom, toilet and other space having a floor area of 2m2 or more. Light switches should be suitably positioned so that they can be operated immediately when a person enters the room, hallway or landing, except for in bathrooms. The switch for a bathroom should be positioned outside the room or a pull cord can be used. Two way switches should be used at both the top and bottom of any staircase.

A minimum of 75% of the fixed light fittings and lamps installed within a dwelling should be low energy type, with a luminous efficacy at least 45 lumens/circuit watt.

6. Lighting in Communal Areas

In communal areas and particularly on stairs and ramps within a building, the possibility of slips, trips and falls and of collision with obstacles should be minimised. Lighting conditions play an important part in this.

Common areas should have artificial lighting capable of providing a uniform lighting level, at floor level, of not less than 100 lux on stair flights and landings and 50 lux elsewhere within circulation areas. Lighting should not present sources of glare and should avoid creation of areas of strong shadow that may cause confusion or miss-step. A means of automatic control should be provided to ensure that lighting is operable during the hours of darkness.

7. External Lighting

External lighting can be used as a security measure to deter criminal activity and to ensure the safety of tenants and visitors. External lighting can be used at the front doors of dwellings and of blocks of flats. Communal areas such as car parks would also benefit from external lighting. Street lights are controlled by Local Authorities, landlords should report to the Local Authority if there are any issues with them.

8. Lighting Repairs

If lighting which is provided by landlords becomes defective, landlords should arrange for this to be repaired immediately. Landlords may have an emergency contact number for tenants to use if a light goes out, out of office hours.

Landlords Guide to Play Parks Safety



1. Introduction

Play is essential to children and young people's physical, social and cognitive development. Play parks in housing estates owned by landlords (housing associations) are becoming more popular.

This guidance has been produced to help landlords understand their responsibilities regarding the design and maintenance of play parks, as well as to provide practical information and advice.

2. Definitions

Competent Person – *"a person, suitably trained and qualified by knowledge of the safety, inspection and maintenance of play park areas and equipment."*

Hazard – *"something which has the potential to cause harm."*

Risk – *"the chance or probability that a person will be harmed or experience an adverse health effect if exposed to a hazard."*

3. Legislation

- BS 7188:1998+A2:2009
- BS EN 1177:2018
- Children Act (1989) Scotland
- Control of Substances Hazardous to Health Regulations 2002
- Disability Discrimination Act 1995,
- Environmental Protection Act 1990
- Health and Safety at Work etc. Act 1974
- Occupiers' Liability (Scotland) Act 1960
- Personal Protective Equipment at Work Regulations 1992
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013
- The Children Act (Scotland) 1995
- The Management of Health and Safety at Work Regulations 1999
- The Regulation of Care (Scotland) Act 2001

4. Landlord Duties

Play parks are becoming extremely popular in new housing estates. Landlords who own play parks are responsible for:

- ensuring the playground is sited correctly;
- ensuring the design and equipment meets the needs of the children;
- ensuring the design meets basic safety requirements;
- ensuring the equipment meets relevant standards: BS EN 1176-1:2017+A1:2023;

- ensuring the surfacing meets BS EN 1176-1:2017+A1:2023 and BS EN 1177:2018;
- ensuring the surfacing has been correctly supplied and installed;
- ensuring a proper post-installation inspection is carried out;
- ensuring the playground is properly inspected and maintained.

5. Risk Assessments

The Management of Health and Safety at Work Regulations 1999 recommends that landlords and managers of premises undertake a risk assessment of their facilities - this includes children's play parks. The law does not expect landlords to eliminate all risks but they are required to protect children as far as is 'reasonably practicable' and to minimise risks.

The 5 steps of a risk assessment are:

1. Identify the hazards;
2. Decide who might be harmed and how;
3. Evaluate the risks and decide on precautions;
4. Record your findings and implement them;
5. Review your assessment and update if necessary.

Those carrying out Risk Assessments should undertake a Risk Assessment training course which focusses on the principles of play parks (RoSPA provides a 1 day "Risk Assessment" course).

Risk Assessments should be updated when new equipment is installed, or if there is a change to the lay out of the park.

6. Disability Assessments

Play parks should be assessed for the suitability for use by disabled persons. Gates should be suitable (see section 16.0) for wheelchair access and disabled persons should be able to get to the play area unhindered.

7. New Playground Equipment

All new playground equipment should meet BS EN 1176-1:2017+A1:2023. Equipment produced before BS EN 1176 (January1, 1999) should meet BS 5696 or DIN 7926 or have undergone third party testing, for example by carrying a TüV certificate or a BSI Kitemark and be subject to a risk assessment in the UK.

8. Post Installation Inspection

Post Installation Inspections are recommended in BS EN 1176-1:2017+A1:2023, the safety standard for children's playground equipment. Post installation inspections should be carried out by an independent competent inspector (such as a member of RoSPA or the play inspection company) to identify defects caused by incorrect installation, or the miss-reading of site plans. Inspections will check that the correct amount of safety surfacing has been applied to ensure that the playground is fit and safe for use. The Post Installation Inspection will form a crucial part of the Risk Assessment.

9. Routine Inspection

Routine inspections should be carried out at least weekly by a member of staff. If a play park includes older equipment, is subject to frequent vandalism or very heavy usage, it is recommended that inspections are carried out more frequently.

A routine inspection should include:

- visually checking the equipment for any obvious faults or hazards that can be a danger to children, parents or carers;
- ensuring the safety surface and surrounding areas are free from debris which could cause injury or be a hazard to health or the environment, for example, litter or animal fouling.

Records of inspections should be logged and retained for 3 years.

10. Maintenance Inspection

Where there is equipment with moving parts, such as swings, roundabouts, see-saws, fitness equipment, rockers and springies, a maintenance inspection should be undertaken every three months. If the playground consists solely of static units such as slides, climbing frames and furniture, twice-yearly inspections should suffice. Other factors such as the usage of the park and environmental issues may determine the frequency of inspections.

A maintenance inspection should include:

- all aspects of routine inspection;
- checking that fixings are secure;
- lubrication of bearings;
- touching-in any scratches to paintwork using the appropriate paint;
- repairing safety surfacing and other elements that form the rest of your site.

A record of the inspection should be retained for 3 years.

11. Annual Inspection

An overall inspection of all aspects of the site should be carried out once a year, ideally by an independent inspector (such as a member of RoSPA), to ensure the long term safety of the site, equipment and ancillary items. This will also meet legal and insurance responsibilities, as well as complying with the requirements of BS EN 1176-1:2017+A1:2023 (the new European Playground Standard). A record of the inspection should be retained for 3 years.

12. Retaining Documents

Inspection and risk assessment records are documents that may be required as evidence in the event of litigation or compensation claims. It is therefore essential that records are accurate. Records should detail the dates and times when hazards are identified and state what remedial action was taken.

13. Training

It is recommended that staff carrying out routine inspections undertake basic training (RoSPA, skillstrainingcentre and The Play Inspection Company provide training courses on play park inspections). It is also recommended that those carrying out maintenance inspections have a Register of Play Inspectors International (RPII) qualification.

Evidence of attendance at training courses should be retained.

14. Signage

Play parks should have adequate signage. Signage should include:

- Name of operator of the site;
- Contact details to report damage or accidents. Where the authority has a permanent office this should include the telephone number;
- Pictogram "No Dog" signs are strongly recommended;
- Where there are overhead electric cables nearby "No Kite Flying" signs are recommended;
- Where the play area is near a road, the use of Road Signs to warn motorists of the presence of a playground should be considered.

Signage should be positioned so that it can be clearly seen by those entering the park.

15. Protective Play Park Surfacing

There is no legal requirement for protective surfacing to be provided on children's playgrounds. It is, however, recommended by Organisations such as RoSPA, HSE and the Child Accident Prevention Trust (CAPT) as protective surfacing can reduce the severity of injury from falls.

As a general principle there are three main types of protective surfacing for play areas:

Grass

A good, all-purpose surface, but with little wear resistance or impact absorbency in dry conditions.

Loose-fill materials

These include sand, wood products and pea shingle. They have good impact absorbency but disperse and break-down. They are easy to lay but are not suitable for moving equipment.

Synthetic surfaces

There are three main types:

Tiles - generally efficient, long-lasting but can be expensive and difficult to lay.

Wet-pour - generally efficient, long-lasting but expensive and very difficult to lay.

Layered - generally efficient but require some maintenance and can be subject to vandalism and wear problems. Requires expert laying.

16. Fencing

Fences can serve three functions:

- To contain children within the relative safety of the play area;
- Allied with good gates, to keep dogs off the play area;
- To give children a sense that it is their area and separate from the surroundings.

Fences should be constructed and erected in accordance with the appropriate part of BS 1722, with a minimum height of 1.0m recommended.

17. Gates

Gates and grids should be a minimum of 1m open width to allow passage of wheelchairs and any grid should be positioned so that the bars do not hinder the passage of wheelchairs or pushchairs etc. Gates should normally open outwards except where opening outwards may cause a hazard to others (e.g. opening into the path of pedestrians/cyclist etc). The use of a self-closing mechanism is also strongly recommended to maintain the gate in a closed position. The mechanism can vary from a simple spring to offset hinges.

18. Emergency Access

An ambulance requires an opening of at least 2.15m and ideally an ambulance should be able to get as close as possible to the area. This may require a hard standing access path for vehicles, as ground can become unsuitable in wet conditions. Where access is normally locked, it is essential that the local emergency services (fire and ambulance) are consulted on emergency access arrangements.

A Trolley Bed (as carried in ambulances) can be used where a vehicle cannot get right up to the area, however, it may be difficult to push the trolley in poor ground conditions.

19. Sand Play

Sand is one of the most popular pieces of equipment which can be used in a children's playground. It provides:

- opportunities for creative and construction play;
- opportunities for fine-tuning physical movements.

There are certain requirements for sand pits in play parks. Such as:

- The pit should be at least 15-20m2 and should drain properly otherwise it can become saturated and stagnated;
- If the play park is a busy one, the surrounding surface should be a hard surface at least 2m wide. An inward slope surrounding the sand area is recommended to help clean up sand spillage and prevent contamination of the sand by bark or dirt;
- Regular raking will be required on at least a weekly basis;
- Suitable access ramps should be installed to allow wheelchair users to gain access to the sand pit.

20. Maintenance and Use of Chemicals

Weed and the general growth of vegetation on children's play areas can be a trip hazard. Also the unchecked growth of some vegetation can pose a threat to the integrity of the infrastructure. As a result, weed and vegetation growth in these areas need to be managed in a suitable and sustainable manner. The safe use of chemicals and pesticides is controlled by legislation such as the Control of Substances Hazardous to Health Regulations 2002 (as amended).

Weed Control:

It is strongly recommended that non-chemical methods of weed control (such as hand weeding) are used wherever possible as opposed to chemical methods. This will prevent exposure to potentially harmful chemicals.

There may be some instances where it is not possible to carry out effective non chemical treatment. In this case the chemical method that uses the least possible active substance and reduces the possibility of spray drift and contamination of non-target objects should be used.

Algae

Algae on timber, metal and a variety of surfaces, can be a problem. However, the use of chemicals to treat this is strongly discouraged. A suitable method to treat algae is power washing.

Spraying

Should spraying be necessary then a professional contractor with the appropriate pesticide certification should be used. It is not advised that untrained personnel use pesticides in public areas. If the use of a pesticide to treat a problem is unavoidable, once all non-chemical methods have been explored, it is essential that clear signs are displayed around the treated area to notify park users.

21. Dogs in Play Parks

Animal faeces can harbour a wide range of bacteria and viruses that can cause serious illness in adults and children. Landlords should check there is no animal faeces in the play park when carrying out inspections. Any faeces found must be removed and disposed of correctly (this may include using a dog bag and disposing of it in litter/dog bins).

22. Security Measures

Landlords should ensure the play park is adequately lit. Adequate lighting can reduce/prevent accidents (such as trips and falls) and can be used as a security measure to deter criminal activity. CCTV can also be used in areas where there is high levels of vandalism and anti-social behaviour.

Landlords Guide to Premises Fitness and Repair



1. Introduction

This guidance has been produced to help landlords understand their responsibilities with regards to the repair and maintenance of their housing stock, as well as to provide practical information and advice for ensuring the safety and wellbeing of tenants.

2. Legislation

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

3. 'The Right to Repair Scheme'

From 30 September 2002, under the Housing (Scotland) Act 2001, Scottish secure tenants and short Scottish secure tenants have the right to have small urgent repairs carried out by their landlord within a given timescale. This is called the Right to Repair scheme.
The scheme covers certain repairs up to the value of £350. These repairs are known as 'qualifying' repairs. They include:

- unsafe power or lighting sockets or electrical fittings;
- loss or part loss of electric power;
- loss or part loss of gas supply;
- a blocked flue to an open fire or boiler;
- external windows, doors or locks which are not secure;
- loss or part loss of space or water heating if no alternative heating is available;
- toilets which do not flush (if there is no other toilet in the house);
- blocked or leaking foul drains, soil stacks or toilet pans (if there is no other toilet in the house);
- a blocked sink, bath or basin;
- loss or part loss of water supply;
- significant leaking or flooding from a water or heating pipe, tank or cistern;
- unsafe rotten timber flooring or stair treads;
- unsafe access to a path or step;
- loose or detached bannisters or handrails; and
- a broken mechanical extractor fan in a kitchen or bathroom which has no external window or door.

Who pays for the repairs?

Landlords are responsible for the cost of repairs.

What happens if a repair is not carried out on time?

The tenant can arrange for another contractor from the landlord's list to carry out the repair if the usual contractor does not start the qualifying repair within the time limit set.

The Regulations also outline arrangements for tenants to claim compensation when the contractor has not turned up for a qualifying repair by the deadline (unless it is impossible to do the repair within the maximum time frame i.e. due to severe weather). This is paid at a fixed rate of:

- £15.00 basic amount, plus
- £3.00 for every day from the day after the repair is late until the day that the repair is completed.

The above is subject to a maximum of £100 for any one repair.

4. Repairs in Communal Areas

In most cases, landlords are be responsible for the external fabric of the building, (such as: the roof, external walls and external doors). Landlords may also be responsible for the repair and maintenance of communal areas (such as: carrying out lighting repairs in the closes and stairways) as well as areas around the property and related communal areas (such as: paths, boundary walls and fences, drains, bin stores, drying areas, parking areas and hard and soft landscaping). Additionally, landlords may be responsible for the repair and maintenance of any fittings/installations provided. This may include water and gas pipes, heating systems, electrical wiring (including hard wired smoke alarms), windows and doors.

5. Prioritising Repairs

Landlords may prioritise other repairs depending on the risk they pose. Landlords may use the system or a similar system to the below:

Priority 1 Repair Repairs that pose a threat to the health/wellbeing of the occupants or will potentially cause further damage to the property if they are not attended to very quickly.	Landlords may have their own key performance indicators however some landlords may carry out emergency repairs within 24 hours (for the emergency to be alleviated after which depending on the circumstances, the repair may become an urgent or routine repair).
Priority 2 Repair Repairs which could be a health and safety hazard but are not serious enough to be classed as an emergency.	Normally within five working days but may be longer by agreement with the tenant, and depending on the appointment to suit the tenant.
Priority 3 Repair All other repairs that are the landlord's responsibility.	Within 30 calendar days. From time to time the Association will defer such routine repairs in order to batch works together for efficiency purposes (e.g. fencing etc.). Batched work will be undertaken within 90 days.

6. Properties which are Unfit for Tenants to Live In

Landlords can ask tenants to move out during major repairs. Before this happens, landlords should agree in writing:

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

Landlords cannot repossess a property to do repairs. They can, however, apply to the courts for an order for tenants to leave if they are planning substantial works or want to redevelop the property.

7. Rechargeable Repairs

There may be some circumstances where landlords may have to carry out repairs on a tenants behalf or meet other costs, which are not the responsibility of the landlord. These costs can be passed on to the tenant and may include:

- Emergency repairs which are the tenant's responsibility, e.g. lost keys, power loss due to defective appliances;
- Where tenants fail to give access for a repair, when a firm arrangement has been made, and a cost is passed to the landlord;
- Where call outs are made for non-emergency repairs;
- Where tenants call out an emergency contractor and fail to provide access;
- Where landlords have to force entry to carry out statutory repairs, e.g. gas fire/central heating servicing (Only after reasonable opportunity has been given to the tenant to allow access).

8. Right to Access

Landlords have the right to access a property to inspect or carry out repairs. Landlords must give tenants at least 24 hours' notice, although immediate access should be possible in emergencies.

9. Tenant Responsibilities

Tenants are responsible for keeping the property in good condition. This may include:

- keeping their home reasonably clean;
- keeping the furniture in good condition (allowing for normal wear and tear);
- not causing any damage to the property;
- carrying out minor maintenance (for example, checking smoke alarm batteries and changing light bulbs);
- reporting any problems to their landlord for repair (for example, blocked drains or a broken boiler);

- making sure their home is kept reasonably well heated;
- helping to keep communal areas such as the stairwell or garden clean and tidy;
- not making any alterations to the property without their landlord's permission.

Tenants are also responsible for carrying out repairs on their own appliances.

Appendix A - the Right to Repair Scheme

The scheme covers certain repairs up to the value of £350. The relevant repairs are known as "qualifying" repairs and are determined by the Scottish Secure Tenants (Right to Repair) Regulations 2002. "Qualifying" repairs and their timescales are as detailed below.

Column 1 (Defect)	*Column 2 (Maximum period in working days from date immediately following the date of notification of qualifying repair or inspection)*
Blocked flue to open fire or boiler.	1
Blocked or leaking foul drains, soil stacks or toilet pans where there is no other toilet in the house.	1
Blocked sink, bath or drain.	1
Electric power–	
loss of electric power;	1
partial loss of electric power.	3
Insecure external window, door or lock.	1
Unsafe access path or step.	1
Significant leaks or flooding from water or heating pipes, tanks, cisterns.	1
Loss or partial loss of gas supply.	1
Loss or partial loss of space or water heating where no alternative heating is available.	1
Toilet not flushing where there is no other toilet in the house.	1
Unsafe power or lighting socket, or electrical fitting.	1
Water supply–	
loss of water supply;	1
partial loss of water supply.	3
Loose or detached banister or hand rail.	3
Unsafe timber flooring or stair treads.	3
Mechanical extractor fan in internal kitchen or bathroom not working.	7

Landlords Guide to Security



1. Introduction

This guidance has been produced to help Landlords (Housing Associations) understand their responsibilities with regards to 'security' in their housing stock.

This guide also outlines possible security measures that could be used in domestic properties.

2. Legislation

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

3. Landlords Responsibilities

Landlords must ensure that all homes are safe and secure, and have windows and doors that lock. Landlords could under their 'duty of care', choose to upgrade security, but they are under no obligation to do so.

Landlords may choose to install security measures as less secure properties can lead to a higher turnover of tenants, meaning no assurance of rental income. It will also protect landlords' assets as it is likely that they will be responsible for repairs caused by an intruder.

Security measures that a landlord could use are:

- Five lever mortice lock for external timber doors or a four multi-point locking system for PVC-u external doors;
- Door chains;
- Burglar alarms, security alarms and night lights;
- Spy-holes;
- Lighting in communal areas and residential car parks;
- External motion-sensor security lighting;
- Controlled entry door systems in flats/apartments;
- CCTV;

Landlords should also ensure that:

- all ground floor windows and any windows that are easily accessible have key operated window locks, unless they are being used as a fire escape;
- doors fit properly into their frame and are free from damage;
- all sliding entry doors have a security bar and are fitted with an anti-lift device to prevent them being lifted from their runners.

4. Providing Secure Doors

5 Lever British Standard Mortice Locks

Landlords should use 5 Lever British Standard Mortice Locks as they are designed to provide adequate security for external doors. They are also designed to meet insurance and police standards and are certified with a kite mark which means they are tested to adhere to BS3621 standards.

3 Lever Locks

These locks are designed for internal doors only. Landlords should replace 3 lever external doors with a 5 lever British standard lock.

Controlled Entry Door Systems

Controlled entry door systems can be used in blocks of flats and apartments. Blocks of flats and apartments can be extremely vulnerable to theft and vandalism, as well as rogue contractors. As a number of people live in the one building, it can be difficult to monitor who enters the premises. Controlled entry door systems can help regulate who enters the building and it can also be beneficial for vulnerable and/or elderly residents as it provides privacy and security. Potential visitors will be required to ring a doorbell or buzzer to an individual flat and the inhabitant will decide if the visitor will be granted access or not. The system is also useful in areas where there are high levels of poverty and crime.

External Emergency Doors

Although external doors should have an adequate locking system, those that are used for an exit in the case of an emergency should be able to be opened from the inside without the use of a key.

5. Repairs and Maintenance

Landlords will have a responsibility to cover repairs caused by a burglary (i.e. doors and windows). If a landlord has issued security measures (e.g. a burglar alarm) they will usually be responsible for the maintenance of it unless their tenancy agreement states otherwise.

6. Insurance

Landlords should have insurance to cover stolen items that belong to them.

7. Approved Contractors

Landlords should check that all contractors are reputable before hiring them. Contractors should carry ID badges so that they can be easily identified. If contractors

are issued with keys/access cards, landlords should carefully monitor this and ensure that all keys are returned immediately when the work is complete.

8. Working with the Police and Local Authorities

Landlords should work closely with the police and local authorities to tackle security issues. Landlords should encourage tenants to report any burglaries/ theft to the police.

9. End of Tenancy

Landlords should ensure that all tenants return their keys at the end of their tenancy. Failure to do so may require locks to be changed before a new tenant moves in.

10. Tenant Responsibilities

Tenants are responsible for ensuring their property is kept safe and secure. Landlords should make their tenants aware of basic security measures that they can take to keep their homes safe and sure. Landlords should issue information packs/ leaflets to remind tenants of the following:

- Windows and doors should always be locked when you go out, even if it's only for a few minutes;
- Ensure tools and ladders, which a burglar could use to get in, are securely locked away;
- Never leave keys in a "secret place" as thieves can often find them;
- Do not put your name or door number on your keyring. If it is lost or stolen, a thief will have information that could direct them to your home;
- Always leave a light on (preferably an energy efficient one) if you will be out at night;
- Do not leave notes on the door saying you are out ;
- Ask a neighbour you trust to keep an eye on your home if you are on holiday;
- Never leave valuables lying around where they can be seen through a window ;
- If you have a controlled entry system, make sure it is kept shut and locked at all times. Only allow a caller into the building if they are coming to see you;
- Report any problems with the door entry system promptly;
- Never wedge controlled doors open;
- Use a good quality padlock on your garden shed to protect is contents;
- If you have a security alarm, use it.

Tenants should also be advised to have home insurance which covers contents against accidental breakages, flood, fire or theft.

Bogus Callers

Thieves often pose as officials or contractors to gain access to homes. Tenants should be advised never to let a stranger into their home or building if they are unsure who they are. If they have a spy hole or door chain they should be advised to use this before

opening the door to a caller. They should also ask to see an identification (ID) card to check the person is genuine. If the caller cannot provide ID, the tenant should ask him/her to come back at another time and use this time to check that they are who they say they are. If a tenant is suspicious of a caller, they should call the police on 101.

Landlords Guide to Water Systems and Legionella



1. Introduction

This Legionella and Potable Water Supply Safety Guide has been developed to assist landlords to understand their responsibilities with regards to Potable Water Supply Safety, their legal obligations under current legislation and to ensure that they have an effective policy and system in place for the inspection, maintenance and management of Water systems.

1.1 Background Potable Water Supplies

Water is essential to sustain life and an adequate supply of good-quality drinking water should be available to consumers. International guidelines on drinking water quality are published by the World Health Organization (WHO). Within the European Union, drinking water is subject to specific quality standards set out in the EC Directive on the Quality of Water Intended for Human Consumption (98/83/EC2, the 'Drinking Water Directive') which takes into account the WHO guidelines. The water quality standards laid down in the Drinking Water Directive apply to all public and private water supplies intended for drinking, cooking, food preparation and other domestic purposes.

1.2 Background Legionella Bacteria

Legionnaires Disease is potentially a fatal lung infection (form of pneumonia) which can affect anybody, but which principally affects those who are susceptible because of age, illness, immunosuppression, smoking etc. and is caused when individuals inhale legionella bacteria. The bacteria can exist in any man-made water systems such as water storage systems, taps, pipework etc.

2. Legislation

Housing Associations as the Landlords have a legal duty to ensure that drinking water installations, services and any bottled water within premises under their control are safe (fit for purpose and kept in good order) before a tenancy begins and throughout its duration.

The legislation relating to Domestic Potable Water Supplies and the risk of Legionella Disease in water systems is listed below. See Appendix A for an Overview of Legislation.

- The Housing (Scotland) Act 2006.
- The Building (Scotland) Regulations 2004.
- The Water Supply (Water Fittings) (Scotland) Byelaws 2014.
- The Water Supply (Water Quality) (Scotland) Regulations 2001.
- The Private Water Supply (Scotland) 2006.
- The Control of Substances Hazardous to Health Regulations 2002, as amended.
- HSG274 Legionnaires Disease – Technical Guidance (in 3 Parts) 2024 (Second edition).
- INDG 458 Legionnaires Disease – A brief Guide for Duty Holders (2012).
- HSG220 (Second edition) Health and safety in care homes

- BS 8580-1:2019 Water quality - risk assessments for Legionella control - Code of practice
- BS 6920 Suitability of non-metallic products for use in contact with water intended for human consumption with regard to their effect on the quality of the water
- L8 (fourth edition) Approved Code of Practice The control of legionella bacteria in water systems (2013)
- Public Health etc. (Scotland) Act 2008.

3. Landlord Duties - Water Fittings, Inspection and Works

The Landlord's aim is to ensure that tenants have a safe and secure environment to live in, Domestic Water Supply and Sanitation safety is one consideration. There are a number of detailed requirements set out in the Water Supply (Water Fittings) (Scotland) Byelaws 2014. These requirements relate to water fittings and systems, their installation and use.

3.1 Water Fittings

The Water Supply (Water Fittings) (Scotland) Byelaws 2014 require that all water fittings and services are maintained in a safe condition and in working order. Water fittings **must not** contaminate the water supply. The byelaw requires that all water fittings must be of an appropriate quality and standard and be suitable in the circumstances in which they are used. This means they must bear an appropriate UKCA or CE marking or comply with another appropriate standard e.g. British Standard. Flexi-hoses used should conform to BS 6920 or be WRAS approved.

3.2 Approved Contractors – Plumbing Works

An Approved Contractor is a type of competent person defined in the Water Supply (Water Fittings) Regulations and Scottish Water Byelaws. These are more formally known as Approved Contractor Persons. Including The Water Industry Approved Plumbers' Scheme (WIAPS). There are seven Approved Contractor Persons' Schemes operating across the UK and for ease of recognition for consumers, they are often referred to as Approved Plumbers. All seven UK schemes are essentially the same, as they have the same entrance criteria and are recognised by all of the UK water suppliers.

Details of local approved contractors for plumbing works can be found by contacting Scottish and Northern Ireland Plumbing Employers' Federation (SNIPEF) Water Regulation Approved Contractors Scheme.

Water Safe is an online register and search facility of approved plumbing contractors working in the UK. Its purpose is to help customers find a competent and qualified plumber. Qualified plumbers help to keep water supplies safe by ensuring plumbing systems inside customers' properties are installed correctly and comply with the Water Supply Water Fittings Regulations and Byelaws

3.3 Certification of Plumbing Works and Conformity of Water Supply Fittings

Where a water fitting is installed or connected or disconnected by an approved contractor the contractor must, on completion of the work, **furnish a signed certificate**

stating whether the water fitting complies with the requirements of the regulations (byelaws).

Where the prior consent of the water undertaker (Scottish Water) is required, the certificate must be sent to the water undertaker. For the purposes of the regulation, a contractor is a person approved by the water undertaker (Scottish Water) or certified as an approved contractor by a recognised Organisation.

4. Legionnaires Disease

"Landlords who provide residential accommodation have a legal duty to ensure that the risk of exposure of tenants to legionella is **properly assessed and controlled**."

All man-made hot and cold water systems are likely to provide an environment where Legionella can grow. Where conditions are favourable (i.e. suitable growth temperature range; water droplets (aerosols) produced and dispersed; water stored and/or recirculated; some 'food' for the organism to grow such as rust, sludge, scale, biofilm etc.) then the bacteria may multiply, thus increasing the risk of exposure. It is a simple fact that the organism will colonise both large and small systems, so both require risks to be managed effectively.

The law is clear, that if you are a landlord and rent out your property (or even a room within your own home) then you have a legal responsibility to ensure the health and safety of your tenant, by keeping the property safe and free from health hazards.

4.1 Legionella Risk in Domestic Hot and Cold Water Systems

The Legionella risk in domestic hot and cold water systems is associated with:

- The storage of water anywhere in the water system (storage tanks and Calorifiers).
- The water temperature in the water system being in the range of 20-45^{0}C which favours the growth of legionella bacteria.
- A source of nutrients such as rust, sludge, scale and organic matter.
- Little used outlets, parts of the system which are used infrequently, such as guest bathrooms, garden taps, or redundant sections of pipework.
- The system being unused for more than a week (e.g. void property or tenant's holiday).
- Appliances which produce and disperse water droplets and aerosols e.g. showers.
- The health of the tenant/visitor, (people more susceptible to infection due to age, illness or a weakened immune system).

4.2 Landlord Duties

Housing Associations/Landlords are the Duty Holders and have a duty to carry out risk assessments and manage the water systems in their properties:-

The Duty Holders must:-

- Arrange for a suitable and sufficient risk assessment to be carried out, thereby identifying and assessing the sources of risk. Landlords can assess the risk themselves if they are competent and, in this case, do not need to be professionally trained or accredited. However, most Housing Associations arrange

for an accredited company with trained personnel to conduct these assessments. The ultimate responsibility remains with the Housing Association/Landlord.

- Prepare a scheme (or course of action) for preventing or controlling the risk and to achieve this, a person with managerial responsibility appoint as the 'responsible person'. This person is responsible for managing the scheme, its implementation and the day to day Organisation on behalf of the Association.

- Ensure that all employees involved in work that could expose them or others to legionella are given suitable and sufficient information, instruction and training.

4.3 Responsible Person's Duties

The Responsible Person is responsible for the day to day administration and all Organisational aspects of the scheme to control legionella bacteria in water systems.

The Responsible Person's Duties Include:

- Ensuring that all Housing Association properties are risk assessed to comply with the requirements of HSE L8, *Legionnaires ' disease – The Control of Legionella Bacteria in Water Systems.*

- Ensuring a suitable operations manual is prepared for each water system (Log Book).

- Ensuring that all recommendations detailed in the risk assessment are carried out, with remedial action being recorded in the Log Book.

- Ensuring that all inspections, cleaning and temperature checks are conducted to comply with Table 2.1 of HSG274 Part 2, *Legionnaires ' disease – The Control of Legionella Bacteria in hot and cold water systems.* All inspections, temperature checks, cleaning and flushing regimes should be recorded in the Log Book.

- Ensuring that when temperature checks are undertaken, the thermometer used has been calibrated and the calibration certificates are in date and available for inspection. For most domestic hot and cold water systems, checking temperature is the most reliable way of ensuring the risk of exposure to Legionella bacteria is minimised. Cold water must be stored and delivered at a temperature of 20^{0}C within 2 minutes of running, hot water output from outlets must reach a temperature of 50^{0}C within 1 minute of running.

- Ensuring that Organisations such as water treatment companies, maintenance contractors, consultants and in-house tradesmen are competent and suitably trained and have the resources (tools, equipment and hardware) to undertake their duties in a safe and adequate manner.

- Relevant documentation such as Job Method Statements, Safe Systems of Work, Work Permits, Job Risk Assessments and COSHH Assessment are provided and placed on record.

- Ensuring that there are designated persons to carry out all maintenance operations, inspections, checks and remedial actions.

- Ensuring that responsibilities and effective lines of communication are properly established and clearly laid down for individuals and Organisations who carry out work on the water system, whether or not they are under the control of the Organisation.
  Note: It is not practical or logistically possible to flush little used outlets or clean shower heads in all tenant's properties. Therefore, tenants should be informed in writing as to what action to take so that they can undertake these activities safely. A copy of the circulars/letters sent to tenants should be retained on file for review purposes.

- Ensuring that records are maintained as specified under the HSE L8, *Legionnaires ' disease – The Control of Legionella Bacteria in Water Systems.* Records should be retained throughout the current period and for at least 2 years afterwards. Records detailing monitoring, inspections, tests, or checks carried out, should be kept for 5 years.

- Monitoring the effectiveness of the control measures in place and making decisions on the frequency and manner of monitoring. Ensuring that any deficiencies or limitations identified in the system are notified to the Duty Holder.
  Note: A micro biological monitoring regime of the system or specific outlets may have to be conducted. The HSE states Legionella testing (or sampling) is generally not required for domestic hot and cold water systems and then only in exceptional circumstances, i.e. if the **risk assessment or temperature monitoring indicates there is a problem.**

4.4 Approved Contactors – Legionella Risk Assessment & Associated Works

The Legionella Risk Assessment must be carried out by a competent person, defined as an individual with the necessary skills, knowledge and experience to manage health and safety, domestic water risk and associated control measures.

If you decide to employ contractors to carry out your risk assessment or other work, it is still the responsibility of the competent person to ensure that the work is carried out to the required standards. Remember, before you employ a contractor, you should be satisfied that they can do the work you want, to the standard that you require.

There are a number of external schemes which detail the competence of external contractors:-

- Member of the Legionella Control Association, details on competence and standards www.legionellacontrol.org.uk
- Legionella management for responsible persons – IOSH Course. www.iosh.co.uk
- The Legionella Risk Assessment and disinfection Scheme run by the Association of Plumbing and Heating Contractors (APHC) and the Scottish and Northern Ireland Plumbing Employers Federation (SNIPEF). www.legionellacheck.org email legionellacheck@snipef.org

Appendix A

Record Keeping

A Legionella Risk Logbook is designed to check that what has been done is effective and appropriate. On completion of the risk assessment, a site log book should be formulated and should contain the following:-

- Full site address.
- Details of the water assets and services under investigation.
- Name of site contact (Managerial).
- Name of risk assessor.
- Company name (if task outsourced).
- Name of responsible person.
- Date of assessment.
- Copy of risk assessment.
- Schematic drawing of water system (storage tanks, calorifiers and associated pipework).
- Temperature and observation logs,
- Details of operations (if applicable).
- Details of controls in place.
- Details of any disinfection conducted.
- Details of any plumbing works carried out on the system and by whom.
- Contact details telephone numbers, email etc.

Inspections Cleaning and Temperature Regime

The above requirements for the log book will be met by the following actions:

- Inspection of water storage tanks (Six monthly).
- Visual inspection of the hot water calorifiers (Annually).
- Visual checks of temperatures and settings of calorifiers (Monthly).
- Temperatures of hot and cold water outlets at Sentinel taps (Monthly).
- Legionella water samples taken if required***.
- Cleaning and disinfection of shower heads (Quarterly).
- Cleaning and Maintenance of TMVs (Annually or as recommended by the manufacturer).
- Flushing of infrequently used outlets (Weekly).
- Checking other outlets on a rotational basis over a 12 month period recording temperatures in a log book.
- Information from the register should be easily available to all interested parties.

Appendix B - Overview on Legislation

The Housing (Scotland) Act 2006

The Housing (Scotland) Act 2006 places a duty on Landlords and states that all installations in the property for the supply of **water**, gas, electricity, **sanitation**, space heating and heating of water are in a reasonable state of repair and in proper working order, at the start of the tenancy and at all times during the tenancy. Any fixture, fitting and appliance provided by the landlord should be in a reasonable state of repair and in a proper working order.

The Building (Scotland) Regulations 2004

These regulations address the various aspects of building design and construction which include health and safety, energy conservation, welfare and convenience of disabled people. Guidance is provided in the Building (Scotland) technical handbooks for Domestic Buildings and Non Domestic Buildings.

The Building Regulations (Scotland) sets out the requirements where thermostatic mixing valves (TMVs) need to be installed, however, as with all fitting they will need to meet certain standards of construction and be made from materials which are suitable for use with wholesome water. The Landlord/representative must check the suitability of all TMVs prior to purchase under The Water Supply (Water Fittings) (Scotland) Byelaws 2014

The Water Supply (Water Fittings) (Scotland) Byelaws 2014

The Water Supply (Water Fittings) (Scotland) Byelaws 2014 are created and enforced by Scottish Water, these byelaws must be adhered to, in all properties that have a public water supply. The main aim of the Water Byelaws is to prevent contamination of the public water supply, and also to help to prevent waste, misuse, and undue consumption of water.

The Water Byelaws apply to **ALL** plumbing systems, water fittings and appliances connected to the public water supply in Scotland.

Landlords and tenants of premises, and anyone who installs or maintains plumbing systems and water fittings, have a legal obligation to ensure that the systems and fittings meet the requirements of the Water Byelaws. In addition, architects, developers, plumbers and builders need to ensure the requirements are met for any future owners or occupiers.

Scottish Water is responsible for the water main in your street and all the pipework up to, and including the stopcock at the boundary of your property. The Housing Association/occupier will then normally have responsibility for any pipework from the stopcock into the property and all indoor and external plumbing.

Approved Fittings and Materials

All plumbing fittings and materials that are used must meet the requirements of the Water Byelaws and, therefore, must have relevant UK or EU approval. A list of approved fittings can be found in the 'Water Fittings and Materials Directory' published by the Water Regulations Advisory Scheme (WRAS). This directory can be viewed free of charge by visiting their website at www.wras.co.uk

It should be noted that not all plumbing fittings and materials on sale in the UK meet these requirements. It is important that Housing Association Responsible persons check their suitability prior to purchase. Remember, it is illegal to use fittings which do not have the relevant approvals.

Licensed plumbers and contractors

It is recommend that a licensed plumber/contractor is used. A licensed plumber will certify that his or her work meets the requirements of the Water Byelaws. **If any breaches are subsequently found in the certified work, the legal responsibility would fall upon the plumber and not on the landlord or occupier.**

Scottish Water advises the use of professional plumbers and plumbing contractors who are members of recognised national licensing schemes. There are a number of benefits in using members of such schemes.

These include:

- Their work is certified as complying with the Water Byelaws.
- Properly trained and qualified personnel are available.
- Members are audited/inspected on a regular basis.
- They hold public liability insurance (£2million).
- They must submit Financial Integrity Statements annually.
- Should any dispute arise, 'Complaints Resolution Procedures' are in place (This applies to the SNIPEF (Scottish and Northern Ireland Plumbers Employers' Federation) scheme only).

These procedures are further enhanced by an Independent 'Complaints Panel'. Scottish Water supports and promotes the Water Safe scheme. Water Safe is a dedicated online search facility to help customers to find the nearest qualified plumbing and heating professionals in their area. Scottish and Northern Ireland Plumbing Employers' Federation (SNIPEF) runs the Plumbing Industry Licensing Scheme and this is part of Water Safe.

To find a licensed plumber in your area, visit www.watersafe.org.uk or call SNIPEF on 0131 556 0600 who will be able to recommend a plumber. Office opening hours are Monday – Thursday 8.30am to 5pm and Friday 8.30am to 4.30pm. For out of hours, please visit the website or refer to your telephone directory. Scottish Water also

support the national Water Industry Approved Plumbers' Scheme (WIAPS). For full details of the scheme and how to obtain a list of registered plumbers in your area visit https://www.wiaps.org.uk/installer-search/.

Flexi-Pipe

Flexi-pipes can be used to connect the plumbing system to a tap as nothing within the Scottish Byelaws prevents these flexible pipe connectors from being used. However, Housing Association Responsible persons must check their suitability prior to purchase, to make sure that they are suitable for use with drinking water (some of the non-metallic material in certain imported flexi-pipes have material which can increase the risk of legionella and other bacterial growth. This can be ensured by using flexi-pipes that conform to BS 6920 or are WRAS approved.

Backflow Protection

The Scottish Water Byelaws require that domestic water supplies are adequately protected from backflow. Backflow prevention devices must be fitted between domestic plumbing systems and the source of any potential contamination.

Water (Scotland) Act 1980

Under section 6 of the Water (Scotland) Act 1980 it shall be the duty of every Water Authority to provide a supply of wholesome water to every part of the limits of supply where a supply of water is required for domestic purposes and can be provided at reasonable cost. Likewise for non-domestic purposes, section 9 states that a Water Authority shall give a supply of water on reasonable terms and conditions for purposes other than domestic purposes to the owner or occupier of any premises within their limits of supply who requests them to give such a supply to those premises.

The Water Supply (Water Quality) (Scotland) Regulations 2014

The Drinking Water Directive sets the standards for drinking water quality. Currently the Water Supply (Water Quality) (Scotland) 2001 and The Water Quality (Scotland) Regulations 2010 regulations transpose this Directive.

The Private Water Supply (Scotland) 2006

Water quality in EU countries is governed by EC Directive 98/83/EC. The Directive is then translated into Scots law through The Water Supply (Water Quality) (Scotland) Regulations 2001 (for public water) and The Private Water Supply (Scotland) 2006 (for private water), as well as the overarching Water (Scotland) Act 1980. Under the 1980 Act, Scottish Water is required to provide a supply of wholesome water to domestic premises to be used for drinking, washing, cooking, central heating and washing facilities. As a result of these stringent legislative requirements, **all** water used for the above uses will be **wholesome and drinkable**.

Public Health etc. (Scotland) Act 2008

Section 21 of the Public Health etc. (Scotland) Act 2008 gives health boards and local authorities (competent persons) the power to enter any premises to carry out an investigation into a public health incident. Where premises are contaminated or there is reasonable grounds to suspect that the premises are contaminated (Contamination is defined being a biological, chemical or radioactive substance) Health Boards and local authority competent persons have the power to take samples of water in, on, or in the vicinity of the premises, serve a notice on the occupier or landlord of premises to take steps to decontaminate the premises by a specified date, take steps to prevent or prevent the spread of a contamination.

The Control of Substances Hazardous to Health Regulations 2002, as amended

COSHH provides a framework of actions to control the risk from a range of hazardous substances, including biological agents (e.g. Legionella) – to identify and assess the risk, and implement any necessary measures to control any risk. Since 2001, there has been a requirement for landlords of both domestic and business premises to assess the risks of exposure to their tenants from Legionella.

Legionnaires' disease the Control of Legionella Bacteria in Water Systems L8 -2013

The HSE L8 document is aimed at duty holders, including employers, those in control of premises and those with health and safety responsibilities for others, to help them comply with their legal duties in relation to legionella. These include identifying and assessing sources of risk, preparing a scheme to prevent or control risk, implementing, managing and monitoring precautions, keeping records of precautions and appointing a manager to be responsible for others.

Legionnaires' disease: Technical Guidance, HSG274, Part 1 The control of legionella bacteria in evaporative cooling systems

Legionnaires' disease: Technical Guidance, HSG274, Part 2 The control of legionella bacteria in hot and cold water systems

The HSG274 documents provide guidance for duty holders, which includes employers, those in control of premises and those with health and safety responsibilities for others, to help them comply with their legal duties. It gives practical guidance on how to assess and control the risks due to legionella bacteria.

Landlords Guide to Infestations



1.0 Introduction

Landlords must ensure properties are fit for human habitation at the start and throughout their tenancy. This guidance highlights the responsibilities Landlords have with regard to pest control.

2.0 Definitions

Urban pest means a destructive insect or other animal which has human health or aesthetic implications. For example bedbugs, rats, mice, cockroach, etc.

Urban pests can:

- Spread diseases
- Damage tenants' homes and belongings
- Sting or bite
- Aggravate asthma, eczema and other allergies

Pest control refers to the control or management of a species defined as urban pests.

Public Health [3]is defined by World Health Organisation (WHO) as "the art and science of preventing disease, prolonging life and promoting health through the organised efforts of society."

Nuisance generally involves some form of damage to, or intolerable interference with a person's use or enjoyment of, property. The various matters which may constitute a statutory nuisance are set down in section 79 of the Environmental Protection Act 1990.[4]

3.0 Legislation

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

4.0 Properties

Landlords should ensure their properties, including the garden, are pest free before a tenant moves in. Tenants are then responsible for maintaining a pest free house and garden throughout their tenancy.

5.0 Communal Areas

Landlords are normally responsible for the general maintenance of communal areas (i.e. shared entrances, stairways, corridors, landings, fire exits, bin stores etc.).

---

[3] For more information and guidance visit: https://www.who.int/teams/primary-health-care/health-systems-resilience/essential-public-health-functions

[4] http://www.legislation.gov.uk/ukpga/1990/43/section/79

Landlords should carry out a visual pest control inspection when carrying out monthly housekeeping inspections to ensure all communal areas are free from pest activity.

6.0 Pest Control

The property should be free from cracks, holes or voids that would allow the entry or shelter of urban pests. There are many health risks associated with urban pests, these can include gastro-intestinal disease, asthma, stress, infections and allergic reactions. Tenants are responsible for reporting the presence of rats, mice, cockroaches, bed bugs, wasps and any other vermin/pests to their landlord.

Landlords should set out in their tenancy agreements who is responsible for dealing with pests and vermin. However, a landlord will be responsible if there is disrepair in a property which is providing access to them (i.e. if there are holes or cracks in the walls and floors). Where an infestation occurs in a communal area or in a tenant's home, as a result of a structural defect, the landlord will be responsible for the repair and should arrange for the treatment of the infestation.

Landlords can impose preventive measures to reduce the likelihood of harm arising from pests. Some measures are outlined below:

- The building should be kept clean preventing build-up of dirt and dust;
- The exterior should be free of cracks and unprotected holes, otherwise grilles/other suitable methods should be used for protection;
- Service ducting/roof/floor spaces should be effectively sealed but with suitable access if treatment is needed;
- Drain openings, WC basins should be sealed with an effective water tight seal;
- Drainage inlets for waste and surface water should be sealed;
- Any points in walls penetrated by waste, drain or other pipes or cables should be effectively sealed;
- Holes through roof coverings, eaves and verges should be blocked to deny ingress to rats/mice/squirrels/birds. Necessary holes should be covered by grilles;
- There should be adequate and closed storage for refuse awaiting collection or disposal outside dwelling;
- There should be suitable storage for refuse within the dwelling;
- Storage should be accessible to occupants but not be a danger to children; and
- Refuse facilities should not cause hygiene problems.

Tenants will be responsible for dealing with vermin/pests if the infestation was caused by their own actions (e.g. if they have not disposed of rubbish correctly, if they have left food out etc.). If the tenant fails to act then landlords can take remedial action and can recharge the cost of the works to the tenant.

7.0 Enforcement Notices

In cases where there is a serious infestation of rats and mice (i.e. where they are present in substantial numbers), the Organisation may be served with a notice under the Prevention of Damage by Pests Act 1949 which would mean that the Organisation

is legally obliged to take steps to remove the rats and mice and repair any damage they have caused.

The Public Health (Scotland) Act 2008 deals with premises that are filthy and verminous and, under Part V of the Act, local authorities have the power to serve notices on the owners, or occupiers, specifying the works required to eradicate pests and vermin.

Under the provisions of the Public Health (Scotland) Act 2008 (Part V of the Act) the Organisation may be held liable for the remediation of neighbouring properties affected by the infestation and/or may be required to carry out a block treatment.

Under provisions of Environmental Protection Act 1990 (Part III of the Act) where a local authority is satisfied that a statutory nuisance exists, or is likely to occur or recur, the local authority has the power to serve a notice on the owner, or occupiers, specifying the works required.

8.0 Bats

Bats are a protected species, and it is illegal to kill, injure and capture a bat or deliberately damage its roost. It is advised that tenants contact Scottish Natural Heritage before doing anything to remove or disturb the bats.

Landlords Guide to Mid-Market Properties / Privately Rented Properties



1. Introduction

Some Housing Associations have introduced 'mid-market properties'. Mid-market properties are classed as privately rented properties as the tenancy agreement is an assured or short assured tenancy. Housing Associations with mid-market properties will be acting as a private landlord as well as a registered social landlord.

There are more stringent health and safety standards on private landlords as opposed to social landlords. This guidance has been produced to help Housing Associations acting as private Landlords understand their legal responsibilities as well as to provide practical information, advice and guidance for ensuring the safety and wellbeing of tenants.

2. References

- Gas Safety (Installation and Use) Regulations 1998
- Housing (Scotland) Act 1988
- Housing (Scotland) Act 2006
- Housing (Scotland) Act 2014
- Repairing Standard: Statutory Guidance for Private Landlords
- Satisfactory Fire and Carbon Monoxide Detection: Tolerable Standard Guidance
- Technical Handbook 2017 Domestic – Fire

3. Requirements for Private Landlords

Before a tenancy commences, private landlords must:

- carry out an inspection check to confirm that the house meets the repairing standard (required by section 19 of the Housing Scotland Act 2006),
- provide a new tenant with a copy of a gas safety certificate (required by regulation 36 of the Gas Safety (Installation and Use) Regulations 1998),
- provide a new tenant with a copy of an Electrical Installation Condition Report or an Electrical Safety Certificate (required by section 23 of the Housing Scotland Act 2014),
- provide a new tenant with a copy of a valid energy performance certificate (required by the Energy Performance of Buildings (Scotland) Amendment (No. 2) Regulations 2012).

4. The Repairing Standard

Landlords of privately rented accommodation must, by law, ensure that the property meets the repairing standard. The repairing standard is a more stringent standard than the tolerable standard required for social housing. A property meets the repairing standard if:

- the house is wind and water tight and in all other respects reasonably fit for human habitation,
- the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order,

- the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order,
- any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order,
- any furnishings provided by the landlord under the tenancy are capable of being used safely for the purpose for which they are designed,
- the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire, and
- the house has satisfactory provision for giving warning if carbon monoxide is present in concentration that is hazardous to health.

Landlords must inspect the property before the tenancy starts for the purpose of identifying any work necessary to comply with the repairing standard. The landlord must then notify the tenant of any such work. Landlords must also ensure that the property meets the repairing standard throughout the tenancy.

If a property does not meet the repairing standard and the landlord refuses to carry out the necessary work, then the landlord can be reported to the Private Rented Housing Panel.

5. Electrical Safety Inspections

Private landlords in Scotland are required by law to ensure that a rented house meets the repairing standard at the start of a tenancy and throughout a tenancy. One part of the repairing standard is that:

- the installations in the house for the supply of electricity,
- electrical fixtures and fittings, and
- any appliances provided by the landlord under the tenancy

are in a reasonable state of repair and in proper working order.

An electrical safety inspection has two parts:

- An Electrical Installation Condition Report (EICR) – formerly known as a Periodic Inspection Report (PIR) – on the safety of the electrical installations, fixtures and fittings.
- A Portable Appliance Test (PAT) on any portable appliances that have been provided by the landlord.

Electrical Installation Condition Report

Landlords must ensure that regular electrical safety inspections are carried out by a competent person. Electrical inspections must be carried out before the tenancy starts (but not earlier than 5 years before the start of the tenancy) and throughout the tenancy at intervals of no more than 5 years.

The person carrying out the inspection must prepare a record of the inspection which includes the following information:

- the date on which the inspection was carried out,
- the address of the house inspected,

- the name and address of the landlord or the landlord's agent,
- the name, address and relevant qualifications of the person who carried out the inspection,
- a description, and the location, of each installation, fixture, fitting and appliance inspected,
- any defect identified,
- any action taken to remedy a defect.

A copy of the record must be:

- given to the landlord, and
- retained by the landlord for a period of 6 years.

The landlord must provide the tenant at the start of the tenancy with a copy of the record of the most recent inspection carried out and a record of any inspection carried out during the tenancy.

Any electrical installations, fixtures, fittings or equipment which fail to pass electrical safety inspection must be replaced or repaired immediately to comply with the repairing standard.

Portable Appliance Test

Portable Appliance Testing must also be carried out on any appliances provided by the landlord. The duty to carry out electrical safety inspections does not apply to appliances that belong to tenants. Appliances may include:

- Electrical white goods (such as refrigerators and washing machines),
- Electrical brown goods (such as televisions and DVD players),
- Electric fires that are not fixed in place,
- Kitchen appliances, such as toasters and kettles,
- Hand held electrical equipment, such as hairdryers, and
- Any other appliances provided by the landlord that are not permanently connected to the electrical installation.

A portable appliance test must be completed by a competent person.

Any appliance which fails to pass a portable appliance test must be replaced or repaired immediately to comply with the repairing standard.

The landlord must provide the tenant at the start of the tenancy with a copy of the record of the most recent test carried out and a record of any test carried out during the tenancy. The landlord must also keep a record for a period of 6 years.

6. Carbon Monoxide Detectors

In order to alert occupants to the presence of levels of CO gas which may be harmful to people, landlords must ensure that a detection system is installed in all dwellings they rent to tenants where there is:

- a fixed combustion appliance (excluding an appliance used solely for cooking) in the dwelling or
- a fixed combustion appliance in an inter-connected space, for example, an integral garage
- a combustion appliance necessarily located in a bathroom (advice would be to locate it elsewhere) – the CO detector should be sited outside the room as close to the appliance as possible but allowing for the effect humid air might have on the detector when the bathroom door is open.

A CO detection system to alert occupants to the presence of CO gas should consist of at least:

- 1 CO detector in every space containing a fixed combustion appliance (excluding an appliance used solely for cooking) and
- 1 CO detector to provide early warning in high risk accommodation, that is, a bedroom or principal habitable room, where a flue passes through these rooms.

Unless otherwise indicated by the manufacturer, CO detectors should be either:

- ceiling mounted and positioned at least 300mm from any wall or
- wall-mounted and positioned at least 150mm below the ceiling and higher than any door or window in the room.

7. Heat and Smoke Detection

The revised Domestic Technical Handbook guidance states there should be at least:

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

All alarms should be operational and in good working order.

Landlords Guide to the Tolerable Standard



1. Introduction

This guidance has been produced to outline the minimum standards that social and privately rented properties must meet.

2. Definitions

House –"any living accommodation which is, or which is capable of being, occupied as a separate dwelling."

3. Legislation

- Housing (Scotland) Act 1987
- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2006

4. The Tolerable Standard

Landlords must ensure that all houses meet the tolerable standard. Those that do not meet the tolerable standard must be brought up to the tolerable standard, closed or demolished. Local authorities have a statutory duty and specific powers to deal with houses that fall below the tolerable standard (BTS).

A house meets the tolerable standard if it:

- is structurally stable;
- is substantially free from rising or penetrating damp;
- has satisfactory provision for natural and artificial lighting, for ventilation and for heating;
- has satisfactory thermal insulation;
- has an adequate piped supply of wholesome water available within the house;
- has a sink provided with a satisfactory supply of both hot and cold water within the house;
- has a water closet or waterless closet available for the exclusive use of the occupants of the house and suitably located within the house;
- has a fixed bath or shower and a wash-hand basin, each provided with a satisfactory supply of both hot and cold water and suitably located within the house;
- has an effective system for the drainage and disposal of foul and surface water;
- in the case of a house having a supply of electricity, complies with the relevant requirements in relation to the electrical installation for the purposes of that supply;
    - "the electrical installation" is the electrical wiring and associated components and fittings, but excludes equipment and appliances;
    - "the relevant requirements" are that the electrical installation is adequate and safe to use

- has satisfactory facilities for the cooking of food within the house;
- has satisfactory access to all external doors and outbuildings.

To meet the tolerable standard a house must comply with all the criteria. In other words, the assessment is a simple "pass" or "fail". If a house does not meet even one of the criteria, then it is BTS.

5. Repairing Standard

Privately rented properties must meet the tolerable and the repairing standard. More information on the repairing standard can be found in the *"Landlords Guide to Mid-Market Properties / Privately Rented Properties.*

LANDLORD FACILITIES SAFETY CONTROL MANUAL							
SECTION	9.0	**REVISION**	0	**DATE**	Sep 2018	**PAGES**	1
ASPECT	**APPENDICES – Contents**						

1. Purpose

1.1 Section 9 of this Control Manual includes a list of appendices.

2. Contents

9.1 Appendix 1 – Pre-Audit Checklist

Management Structure, Roles & Responsibilities	**Documents Required**	✔
Is the Landlord Facilities HS&W policy statement appropriate and has it been adopted by the Chief Executive/Director and Chairperson?	Copy of the signed policy and evidence of its review. Copy of documented roles and responsibilities with evidence that these have been accepted by key personnel.	
Are responsibilities properly defined throughout the management chain, with key personnel having formally accepted these roles?		
Is there a process in place to regularly review existing policies?		

Asbestos in Tenancies	**Documents Required**	✔
Has a policy and procedures been developed and formally authorised?	Copy of policy and procedure. Evidence of asbestos management surveying and asbestos management plans for housing stock. Evidence of a suitable asbestos register. Evidence of how asbestos refurbishment / demolition surveys are involved in maintenance/repair/construction works. Evidence of asbestos roles and example of training carried out for relevant members of staff.	
Have Asbestos Management Surveys been carried out by a competent UKAS accredited organisation?		
Is there an Asbestos Management Plan in place for the organisation's housing stock?		
Is there an Asbestos register in place and is it suitable?		
Are asbestos refurbishment / demolition surveys carried out ahead of maintenance/repair/construction works?		
Have relevant members of staff received adequate information, instruction and training?		

Business Continuity, Emergency Preparedness and Response	**Documents Required**	✔
Have detailed Emergency Response Plans for tenancies been developed?	Example of plans.	

Construction Design and Management	**Documents Required**	✔
Is there evidence to suggest that the organisation is complying with the Construction Design Management Regulations 2015 for work in its stock?	Copy of pre-construction information and construction phase plan or other documents to show compliance with the regulations.	

Domestic Pets	**Documents Required**	✔

Have suitable policy and procedures been developed and monitored?	Copy of policy and procedure. Copy of information provided to tenants.	

Electrical Safety	**Documents Required**	✔
Has a policy and procedures been developed, formally authorised, implemented and monitored?	Copy of policy and procedure. Evidence that a program is in place. Example program of a 5 year EIC inspection programme.	
Is there a programme in place to ensure that all electrical fixtures, fittings and equipment is safe and in proper working order at the start of a tenancy and throughout its duration?		
Are Electrical Installation Condition Reports carried out in properties on a five-yearly basis?		

Fire Safety in Housing Stock and Communal Areas	**Documents Required**	✔
Has a policy and procedures been developed, formally authorised, implemented and monitored?	Evidence of policy and procedures. Evidence that a fire risk assessment program is in place for communal areas and HMOs. Evidence of inspections. Example of emergency light test record. Evidence of smoke detectors replacement programme. Example of information provided to tenants.	
Is there a programme in place to carry out fire risk assessments in communal areas of domestic premises?		
Is there a programme in place to carry out fire risk assessments in Houses of Multiple Occupations (HMOs)?		
Are periodic housekeeping inspections carried out in communal areas and is there an auditable trail		
Are tenants asked to move personal belongings that are obstructing corridors, stairways and doors?		
If emergency lighting is in place, is there a programme in place to ensure the lighting is periodically tested and are records held?		
Is there a programme in place to ensure smoke detectors are replaced in tenants' homes when their shelf life expires?		
Are tenants provided with fire safety information and advised to test their smoke alarms on a regular basis?		

Gas Safety	**Documents Required**	✔
Has a policy and procedures been developed, formally authorised, implemented and monitored?	Copy of policy and procedure.	

Is there a programme in place to ensure gas appliances are subject to annual inspection (including a process for no accesses and a quality assurance process)?	Evidence of a compliant gas inspection program including gas safety certificate retention. Evidence of roles and competencies (internal and external contractor). Copy of information provided to tenants.	
Are gas safety inspections carried out by a GasSafe registered contractor?		
Are gas safety records retained for a period of at least two years?		
Are contractors required to demonstrate compliance with the competency requirements of the Regulations (e.g. Gas Safe Registered)?		
Are tenants provided with gas safety information?		

Hygiene of Tenancies	**Documents Required**	✔
Are tenants informed that some of their everyday activities may cause condensation which can lead to dampness and mould?	Copy of information provided to tenants.	

Infestations	**Documents Required**	✔
Is there a procedure in place to eradicate an infestation?	Copy of procedure.	

Lifts Safety	**Documents Required**	✔
Is there an effective maintenance and use policy and/or procedure in place?	Copy of policy/procedure. Evidence of formal inspection program and periodic checks.	
Are inspections subject to a formal inspection every 6 months by an external inspection company.		
Are lifts in communal areas subject to periodic inspection and are records retained?		
If stair lifts and/or hoists have been provided to tenants, is there a suitable inspection and maintenance regime in place		

Play parks	**Documents Required**	✔
Has a policy and procedures been developed, formally authorised, implemented and monitored?	Copy of policy and procedure. Evidence of inspection program (including competency of inspectors). Example of inspection record	
Are routine inspections of the play park carried out with results recorded?		
Are inspections carried out by a 'competent' person?		
Are annual inspections carried out by an independent inspector?		

Premises Fitness and Repair	**Documents Required**	✔

Has a policy and procedures been developed, formally authorised, implemented and monitored?	Copy of policy and procedure.	
Are tenants fully informed of their rights and the organisation procedures?	Evidence of information provided to tenants.	

Security	**Documents Required**	✔
Are there suitable and sufficient security measure commensurate with risk?	Evidence of arrangements are in place	

Ventilation	**Documents Required**	✔
Is there an adequate source of fresh air in properties and are tenants aware of their right to adequate ventilation?	Evidence of fresh air assessment and provision. Evidence of information provided to tenants.	

Waste Management	**Documents Required**	✔
Are there suitable arrangements in place to prevent the accumulation of waste?	Evidence of waste management arrangements.	

Water Systems and Legionella	**Documents Required**	✔
Has a policy and procedures been developed, formally authorised, implemented and monitored?	Copy of policy and procedure. Evidence of the risk assessment programme, actions taken and reviews. Copy of information provided to tenants. Example of roles, competencies and training carried out (internally and external contractors).	
Is there a risk assessment programme in place to identify and assess the risk of exposure to Legionella bacteria from all water systems across its property portfolio?		
Is there a programme in place to ensure appropriate Legionella control measures are carried out in void properties?		
Are tenants provided with information on controlling Legionella within their property?		
Have relevant members of staff been provided with adequate information, instruction and training?		