

# Housing Safety Policy

for Council owned properties.

(Incorporating previously issued or new policies relating to Asbestos, Gas Safety, Electrical Safety, Legionella and Fire Safety)

Housing and Environmental Services

April 2017

**Version Control**

Version	Description of version	Author / Reviewer
Draft Version 01	Draft to replace and update previous standalone policies or introduce new policies. Submitted for approval at the 20 <sup>th</sup> April H&CS Committee.	Gary Clarkson

**Approvals**

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**Associated Documentation**

Description of Documentation	

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## 1.0 Introduction

- 1.1 South Derbyshire District Council (the Council) is committed to proactively protecting and improving the safety within its domestic properties, associated buildings and communal areas to provide, so far as is reasonably practicable, a safe and healthy environment for all tenants, leaseholders, contractors, visitors, employees and members of the public, etc.
- 1.2 The Council's policy is to:-
- a. be aware of and build upon its statutory obligations to protect and improve the health, safety and welfare of anyone who could be affected by the Council's activities and premises;
  - b. prevent exposure to the hazards;
  - c. promote awareness of the hazards through information, training and induction of staff;
  - d. provide and maintain information relating to premises within its ownership and control;
  - e. freely provide property information to anyone occupying or working in or on our premises;
  - f. to regularly review the Council's policies and procedures;
  - g. to implement effective management control measures so that timely and appropriate measures are undertaken in emergency situations.
- 1.3 This policy is a live document and will be reviewed annually or more frequently where there has been a change in legislation, building use or if arrangements within the policy are no longer considered to be adequate for any aspect of the policy.

## 2.0 Statutory Obligations

- 2.1 The Council has statutory obligations under health and safety legislation to meet minimum standards and / or perform various functions to ensure and prove compliance with various regulations that includes, but is not limited to:
- a. **The Health and Safety At Work, etc Act 1974 (HSW 1974)**
    - 1) securing the health, safety and welfare of persons at work;
    - 2) protecting persons other than persons at work against the risks to health or safety arising out of or in connection with the activities of persons at work.

**b. The Management of Health and Safety at Work Regulations 1999  
(MHSWR 1999)**

- (1) Every employer shall make a suitable and sufficient assessment of;
- (a) the risks to the health and safety of his employees to which they are exposed whilst they are at work; and
  - (b) the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking,

for the purpose of identifying the measures he needs to take to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions and by Part II of the Fire Precautions (Workplace) Regulations 1997.

- (2) Every self-employed person shall make a suitable and sufficient assessment of —
- (a) the risks to his own health and safety to which he is exposed whilst he is at work; and
  - (b) the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking,

for the purpose of identifying the measures he needs to take to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions.

- (3) Any assessment such as is referred to in paragraph (1) or (2) shall be reviewed by the employer or self-employed person who made it if —
- (a) there is reason to suspect that it is no longer valid; or
  - (b) there has been a significant change in the matters to which it relates; and where as a result of any such review changes to an assessment are required, the employer or self-employed person concerned shall make them.
- (4) Where the employer employs five or more employees, he shall record:
- (a) the significant findings of the assessment; and
  - (b) any group of his employees identified by it as being especially at risk.

**c. The Workplace (Health, Safety and Welfare) Regulations 1992**

These Regulations impose requirements with respect to the health, safety and welfare of persons in a “workplace”, so far as is practicable

The requirements are imposed upon employers or any person who has, to any extent, control of a workplace, to ensure that suitable working conditions are provided.

**d. The Defective Premises Act 1972**

The Act imposes a duty of care upon the owner or landlord of a property to ensure that a property is maintained in a satisfactory condition and establishes that the duty is owed to anyone who could be reasonably be expected to be harmed by a breach, which includes occupiers, visitors and trespassers. The duty applies when a Landlord ought to have known of a defect, not just when informed.

**e. The Construction (Design and Management) Regulations 2015 (CDM 2015)**

The Regulations aim to make sure that any construction project is safe to build, use and maintain, and:

- (a) describes the law that applies to the whole construction process on all construction projects, from concept to completion
- (b) describes what each duty holder must or should do to comply with the law to ensure projects are carried out in a way that secures health and safety

CDM aims to improve health and safety in the industry by helping you to:

- (c) sensibly plan the work so the risks involved are managed from start to finish
- (d) have the right people for the right job at the right time
- (e) cooperate and coordinate your work with others
- (f) have the right information about the risks and how they are being managed
- (g) communicate this information effectively to those who need to know
- (h) consult and engage with workers about the risks and how they are being managed before work commences.

**f. The Control of Asbestos Regulations 2012 (CAR 2012)**

The Regulations impose a duty to manage the presence of asbestos upon the person responsible for the maintenance of any non-domestic premises, to protect anyone using or working in the premises from the risks to health that exposure to asbestos causes, by identifying where there is asbestos, its type and condition. The duty includes assessing the risk of exposure and the need to manage and control the risk. Non-domestic premises include common areas in flats such as shared entrances, corridors, staircases, meeting rooms and associated facilities.

Whilst domestic properties are not covered by CAR 2012, the requirements to provide a safe and healthy environments for all tenants, leaseholders, contractors, visitors, employees and members of the public, etc is imposed on the Council other regulations, as listed above, such as HSW 1974 and MHSWR 1999.

**g. The Gas Safety (Installation and Use) Regulations 1998**

- I. Places duties upon the Landlord to ensure that gas appliances, fittings and flues are safe to use.
- II. Ensure that every installation and appliance in the Landlord's ownership is checked for safety at least every 12 months.
- III. Ensure that only GAS Safe® approved operatives work on the gas appliances for which they registered and deemed competent.

**h. The Electricity at Work Regulations 1989**

The purpose of the Regulations is to prevent death or personal injury to any person from electrical causes in connection with work activities.

### **3.0 Purpose**

- 3.1 This Housing Safety Policy has been introduced to provide an all-encompassing safety policy to replace and update previous standalone policies or introduce new policies supported by procedures to cover:
- a. Asbestos
  - b. Gas Safety
  - c. Electrical Safety
  - d. Legionella
  - e. Fire Safety

- 3.2 The procedural documents listed below set out how the Council will ensure compliance with this policy and ensure the safety of its tenants, leaseholders, contractors, visitors, employees and members of the public, etc., as well as the methods by which the Council's Housing Service will undertake regular safety checks, maintenance work, etc.
- 3.3 The Procedures are:
- (a) Asbestos Procedures and Management Plan
  - (b) Gas Safety Contract Procedures
  - (c) Electrical Safety Procedures
  - (d) Water Safety Procedures
  - (e) Fire Safety Procedures

## **4.0 Roles and Responsibilities**

- 4.1 The Council recognises that health and safety are management responsibilities that rank equally with professional and service responsibilities.
- 4.2 It is the statutory duty and a managerial requirement for all managers to ensure that everything reasonable and practicable is undertaken to prevent personal injury and to maintain a safe and healthy place for our tenants / residents to live and our employees / contractors to work.
- 4.3 It is the duty of all employees to act responsibly and to do everything they can to prevent injury to themselves, fellow workers, tenants and others that may be affected by their acts or omissions, including enabling any duty placed upon the employer to be complied with.
- 4.4 Contractors and Sub Contractors working for or on behalf of the Council must meet the minimum legislative standards as set out in accordance with this Safety Policy and associated procedures.
- 4.5 As the lead officer of the Council, the Chief Executive (CE) has overall and final responsibility for the management of health and safety throughout the organisation, with the Director of Housing and Environmental Services (DoHES) being responsible for the implementation of all policies and associated procedures related to the domestic properties that the Council own or control. The DoHES shall ensure that all managers implement the Council's policy for the promotion of health, safety and welfare, using robust health and safety management systems.
- 4.6 The Council shall ensure that sufficient funds and other resources are allocated to enable the effective implementation of all legislative requirements and also ensure that adequate health and safety related training is provided for their employees, arranged in liaison with the Health and Safety Officer.



- 4.7 The day-to-day responsibility for managing health and safety and producing suitable risk assessments lies with unit and line managers, supervisors or any other person who organises work for others under their control. In particular, unit and line managers and supervisors will:-
- a. Recognise their responsibilities delegated from their Directors to maintain, so far as is reasonably practicable, the highest standards with regard to the health, safety and welfare of all Council employees.
  - b. Implement the Council's policy for the promotion of health, safety and welfare throughout their unit or team.
  - c. Co-ordinate resources and ensure that suitable and sufficient risk assessments have been undertaken and reviewed on a regular basis, either by themselves or by nominated competent persons for all workplaces and work activities together with the implementation of safe systems of work, where necessary. Line managers must also ensure that the findings of all risk assessments are communicated to their employees.
  - d. Ensure all employees are provided with the guidance notes and codes of safe working practice relating to their work together with adequate instruction, training and supervision.
  - e. Recognise their responsibility, in conjunction with their Director, to provide a safe and healthy working environment for employees.

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*Chief Executive's Signature*

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*Date*

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*Chairman's Signature*

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*Date*