



ADUR DISTRICT  
COUNCIL

Adur Joint Strategic Sub-Committee  
7 March 2023

Key Decision No

Ward(s) Affected: All  
Cabinet Portfolio: Adur Homes and  
Customer Services

## **Adur Homes Compliance with Housing Regulator Standards and Adur Housing Strategy Roadmap**

### **Report by the Director for Communities**

#### **Officer Contact Details**

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### **Executive Summary**

#### **Purpose**

1.1 The purpose of the report is to inform members that the Director of Communities has undertaken a diagnostic review of the Council's housing stock (Adur Homes) and its compliance with the Regulator of Social Housing's standards. A number of gaps in compliance have been identified and the council has as a result referred itself to the Regulator.

1.2 The report identifies the areas that require improvement and sets out the process Adur Council will undertake, in partnership with the Regulator, to improve performance and meet the required standards.

1.3 To support the required changes the report sets out proposed changes to the Adur Homes Management Board membership, a new set of interim policies and procedures for Adur Homes for comment and agreement and details concerning the development of an improvement plan.

1.4 The report also asks for Member approval to extend three housing strategies / policies and to set out a roadmap to renewing these strategies as part of the above improvement plans during 2023/24, including the:

- Housing Strategy: Enabling communities to thrive in their own home" 2020-2023;

- Temporary Accommodation Placement and Procurement Policy, and
- Community Homelessness Strategy 2017-2022

## **Recommendations**

In relation to Adur Homes compliance issues, Members are asked to:

2.1 Note areas of non compliance with social housing standards and endorse the decision to refer Adur Homes to the Housing Regulator.

2.2 Approve the time scales for bringing an improvement plan to the Adur Joint Strategic Committee Sub-Committee and require further updates on progress from the Director for Communities.

2.3 Comment on and approve the new and revised policies and procedures for Adur Homes attached in Appendix 1 and to delegate authority to the Director for Communities to make minor amendments to these policies and procedures as required, in consultation with the Adur Homes Management Board.

2.4 Approve changes to the Adur Homes Management Board membership and require the Board to provide progress updates to the Joint Audit and Governance Committee on a quarterly basis.

2.5 To update the Joint Audit and Governance Committee on the decision to refer Adur Homes to the Housing Regulator and recommend to the Committee the proposed changes to the Housing Board and to consider the revised interim policies and procedures.

2.6 In relation to Adur Housing Strategy Roadmap, Members are asked to:

- Agree to extend the following strategies/policies until the end of March 2024:
- Housing Strategy: Enabling communities to thrive in their own home” 2020-2023 to March 2024;
- Temporary Accommodation Placement and Procurement Policy; and
- Community Homelessness Strategy 2017-2022

2.7 Note and agree to the roadmap for the development of the new strategies/policies during 2023/24, which will be reported back to this Cabinet in January 2024.

## Context

- 3.1 In April 2015 the Regulator of Social Housing published seven Housing Standards against which housing organisations are required to ensure compliance. These standards are:

### The Economic Standards

- Governance and Financial Viability Standard
- Value for Money Standard
- Rent Standard

### The Consumer Standards:

- The **Home Standard** sets expectations for registered providers of social housing to provide tenants with quality accommodation. Key elements include the provision of decent homes and cost effective repairs and maintenance.
- The **Tenancy Standard** sets expectations for registered providers of social housing to let their homes to tenants in a fair, transparent and efficient way.
- The **Neighbourhood and Community Standard** sets expectations for registered providers of social housing to keep the neighbourhood and communal areas associated with the homes they own clean and safe, co-operate with relevant partners to promote the wellbeing of the local area and help prevent and tackle anti-social behaviour.
- The **Tenant Involvement and Empowerment Standard** sets expectations for registered providers of social housing to provide choices, information and communication that is appropriate to the diverse needs of their tenants, a clear approach to complaints and a wide range of opportunities for them to have influence and be involved.

Two of these standards, the Governance and Financial Viability and Value for Money Standard only relate only to Registered Providers/Housing Associations and do not relate to local authority landlords.

### Self referral to the Regulator of Social Housing

- 3.2 The Regulator, in a letter dated 22 November 2022 to all registered providers, following the tragic death of Awaab Ishak in Rochdale, stated that “Should you identify that your homes do not meet the relevant standards, you should self-refer immediately”.

Though the letter from the Regulator was prompted by the damp and mould issue, the presence of or failure to deal with damp and mould itself is not a reason to refer to the Regulator. As stated in the RSH's letter, self-referral should be made if the landlord identifies that their homes do not meet the relevant standards, even if it is only a part of their homes that do not meet any of the the consumer standards.

- 3.3 In coming to post the new Director for Communities has undertaken a diagnostic review of compliance within Adur Homes housing stock and brought in experienced external individuals to assist the Council with this. Despite the work undertaken as part of the Housing Strategy and Transformation Plan, this diagnostic process has identified a number of areas where Adur Homes is not compliant with the required standards.
- 3.4 The District Council takes residents' safety and statutory and regulatory responsibilities very seriously and therefore on becoming aware of the outcome of the compliance diagnostic, in consultation with the Leader of the Council and the Cabinet Member for Adur Homes and Customer Services, Adur District Council self-referred to the Regulator on 24th February 2023.

#### **Under what standards has the Council been referred to the Regulator?**

- 3.5 We recognise the need to provide good homes and a strong service for our tenants and leaseholders. Adur Homes is highlighting concerns with the Regulator in relation to the Decent Homes Standard and the following specific standards:
- **The Home Standard**
  - **Tenant Involvement and Empowerment Standard**
  - **Tenancy Standard**

#### **What are the specific issues of non compliance?**

- 3.6 The referral is being made with regard to the following specific areas of concern:
- **Decent Homes:** - Currently the council does not have sufficient evidence to identify the number of homes it manages which meet the government's Decent Homes Standard.
  - **Home Standard, Cost effective repairs and maintenance:** - Adur Homes does not currently have a cost effective repairs service. There are significant issues around performance, customer experience and cost efficiency.

- **Home Standard, Meets all Health and Safety Requirements:** - Currently the authority cannot be confident that all work is undertaken in a timely manner and therefore actions may remain outstanding for longer than prescribed.
- **Home Standard, Electrical Installation Condition Report (EICRs):** - Adur Council is not assured that all its homes have been EICR tested within the last 5 years and there are delays with emergency light testing.
- **Home Standard, Fire Safety:** - Currently not all areas of fire safety have been addressed and further assurance work is required around the completion of risk assessments and the timely implementation of necessary works.
- **Tenancy Standard:** - Our policies and processes require updating and we need to ensure that they meet our tenancy standards.
- **Tenancy Involvement and Empowerment Standard:** - The number of tenants engaged with the service is very low and a cross section of tenants are not being engaged by the service to seek their views on 'housing management' activities. In addition, Adur Homes does not currently meet the standards required for complaints handling.

## **Issues for Consideration**

### **Regulator of Social Housing**

- 4.1 The Regulator has been sent our referral and it is anticipated it that they will be in contact shortly to review the details of the referral and agree a plan to support Adur Homes returning to compliance against the above housing standards.

### **Improvement Plans**

- 4.2 A comprehensive and robust improvement plan is currently being compiled by Adur District Council. External support has been sought from a local authority that has been through the referral process to help ensure maximum effectiveness of the approach proposed.

A new internal Adur Homes Asset and Compliance Board has also been established, chaired by the Director for Communities and including senior officers to drive forward an improvement plan. Following consultation with the Regulator it is anticipated that a draft plan will be presented to the Adur JSC Sub Committee in June 2023.

- 4.3 This plan will set out a clear set of actions for the coming year for the service with a clear set of performance indicators that will be used to monitor progress and enable scrutiny of this work.

## **Policy Framework**

- 4.4 As part of the improvement plan preparations, a set of revised interim policies and procedures for Adur Homes are presented for comment and agreement in Appendix 1. These policies will be further refined and updated in the coming months and members are asked to delegate authority to the Director for Communities for minor amendments to these policies and procedures as required, in consultation with the Adur Homes Management Board.

## **Adur Homes Management Board**

- 4.5 The Adur Homes Management Board is made up of:
- Director for Communities (Chair)
  - Executive Member for Adur Homes and Customer Services
  - The chairperson of the Adur Homes general housing tenants representative group
  - The chairperson of the sheltered housing tenants residents representative group
  - The chairperson of the leaseholders representative group
  - Young person's group
  - Chief Financial Officer
  - Head of Housing
- 4.5 The purpose and objectives of the Adur Homes Management Board are set out in Adur District Council's Constitution and are summarised as follows:
- Operate collectively and concentrate on advising on strategic and operational issues affecting performance;
  - Scrutinise and challenge policies and procedures with a view to the long-term health and success of the business;
  - Direct, supervise and make recommendations on the operations of Adur Homes on behalf of the tenants, stakeholders, employees and community at large.
- 4.6 Currently tenant and leaseholder representation, the work programme and member representation require review and improvement if the Board is to effectively support the required improvements in Adur Homes. To adequately improve representation, oversight and accelerate improvement against the required housing standards the following actions are recommended:
- Work is undertaken as a priority to ensure adequate tenant and leaseholder representation.

- Oversight on the board is strengthened by extending the membership of the board to include a representative from the Joint Overview and Scrutiny Committee and the Joint Audit and Governance Committee.
- The Board provides progress updates on work with the Regulator to the Joint Audit and Governance Committee on a quarterly basis and every six months to the Adur Joint Strategic Sub Committee.

### **A Challenging Financial Context**

- 4.7 It should be noted that this work takes place in the context of a challenging HRA budget (as reported to Cabinet in February 2023) and unprecedented housing demands.

Members will be aware that the rent limitation measure announced by the Chancellor in 2015 had a profound impact on the HRA and still continues to impact on the HRA's future financial sustainability. Over the period of the reduction, the Council has lost and continues to lose a substantial amount of annual rental income of around £2m per year. This lost income has compromised the financial stability of the HRA, and more importantly, affected the amount that can be invested both in existing homes and in the development of new homes. Our impaired ability to invest in the current stock has significant implications for the Council's ability to meet condition surveys and health and safety requirements.

Rent setting for the HRA is now governed by the The Regulator of Social Housing and the Council has the ability to increase rents by CPI (Sept) + 1% under normal circumstances. The Government has made the commitment for Councils to retain the flexibility for at least 5 years. For 2023/24 the government has capped this increase at 7% for the majority of tenants due to the cost of living crisis which sees the September 2022 inflation rate at 10.1%. Looking ahead to 2023/24, the overall position will gradually improve as rental level continues to increase faster than other inflationary pressures.

Over the longer term, the HRA remains in a financially viable position, able to invest in its stock to address backlog maintenance and to maintain a development programme. However, caution will need to be exercised over the coming years as the financial position will be difficult for at least another 3 years until the HRA has become financially sustainable with an adequate level of reserves to manage future risks.

### **New Charter for Social Housing and Revised Consumer Standards**

- 4.8 The housing standards that Adur Homes are required to meet are in the process of being reviewed, changed and improved. The Government published 'The Charter for Social Housing Residents' white paper in November 2020 and this paper seeks to improve housing standards for those who rent, leaseholders and shared owners in social housing. It sets

out a new charter outlining what every social housing resident should expect from their landlord:

- **To be safe in your home.** Landlords will be required to ensure every home is safe and secure.
- **To know how your landlord is performing:** Landlords will be held to account regarding repairs, complaints, safety, and how it spends its money.
- **To have your complaints dealt with promptly and fairly:** The Ombudsman will be strengthened giving swift and fair redress when needed.
- **To be treated with respect:** The Housing Regulator will be strengthened and there will be improved consumer standards.
- **To have your voice heard by your landlord:** Tenant voice will be increased for example through regular meetings, scrutiny panels or being on housing boards.
- **To have a good quality home and neighbourhood to live:** Landlords will be required to keep homes in good repair and the decent homes standard will be reviewed.
- **To be supported to take your first step to ownership:** Increasing the supply of good quality social homes, and working to give as many residents as possible the right to purchase their own home.

4.9 Many of these changes will be implemented by the Regulator of Social Housing but most of these changes can only be made when parliament has passed legislation to change the Regulator's objectives and legal powers. The Government has said that it will introduce the legislation needed to implement the white paper as soon as practicable. While this means new consumer standards cannot be implemented yet, boards and councillors responsible for social housing are advised not to wait for new consumer regulation to look at how they can improve their services and engagement with tenants.

The improvement plan and the housing strategy updates described in this paper will need to take into account these forthcoming changes and will assist the Council in its readiness to respond to these changes once they become legislation.

## 5. Housing Strategy Roadmap

5.1 The challenges outlined above in relation to Adur Homes must also be considered in the context of the wider housing strategic approach. There are currently three key housing strategies which are ending imminently and need to be renewed for Adur and Members are asked to approve the extension of

each of these until March 2024 to enable officers to undertake the full work to renew and refresh these. This includes:

- **Housing Strategy: Enabling People to thrive in their own homes 2020-2023** - This provides the main strategy for our housing strategy for Adur and Worthing, progress of which has been reported to the JOSOC Committee in January 2023.
- **Temporary Accommodation Placement and Procurement Strategy 2017-2020** - This strategy sets out the approach to the placement of households in temporary accommodation and the acquisition of suitable accommodation for people who the Council accept as having an 'interim' and full housing duty. This strategy was due to be reviewed in 2020 and now needs to be fully reviewed and updated during this year.
- **Community Homelessness Prevention Strategy 2017-2022** - This strategy was developed in collaboration with the Adur and Worthing Homelessness Partnership to set out a systematic approach to tackling homelessness through help and interventions to sustain and secure suitable accommodation. Work is now underway to re-form a new Adur and Worthing Homelessness Prevention Partnership, which will include a number of statutory and voluntary sector partners involved in tackling homelessness, with a first date being planned for March 2023. This partnership will drive the development of a new Homelessness prevention strategy for Adur and Worthing

5.2 Officers are developing a strategy roadmap to develop, produce and deliver these strategies during 2023/24, in line with required improvement work, which will focus on key elements:

- **Needs assessment:** The Council is commissioning a full housing needs assessment of Adur's communities to determine housing and support needs as well as gaps in provision and opportunities for collaboration and joint commissioning. The assessment will commence in February with a report expected in April 2023.
- **A&W Homelessness Prevention Partnership:** The Council will establish the new partnership to drive forward a collaborative approach to how we work together in line with council principles to prevent homelessness and rough sleeping.

- **A&W Homelessness Prevention Strategy:** The Council will review its existing Strategy and work with our new partnership to develop a new strategy for the district.
- **Review the Housing Strategy:** With our Members and partners to assess our progress and learning and develop the work required to create our next strategy for Adur.
- **Review our Temporary Accommodation Placement and Procurement Policy:** we will review and renew our temporary accommodation policy, focusing much more on our map of place, the use of evidence to inform this work and innovative approaches to how we make the best use of our resources as well as how we partner with other to meet the housing and support needs of our residents in temporary accommodation.

## **Engagement and Communication**

- 6.1 In undertaking this referral the Director for Communities has briefed the Adur Homes Management Board, which is made up of members, officers and tenant representatives as set out above.
- 6.2 A communication and engagement plan is being developed and tenants and leaseholders have been contacted to update them on the decision to refer to the Regulator, the reasons for this referral and an outline of the next steps.
- 6.3 We are also recruiting a new Tenant Participation Officer and we will, when appointed undertake the work necessary to improve our communication and engagement with tenants and leaseholders. Improvements in this area are required and will be undertaken as part of the improvement plan. This work will be supported by the Council's wider commitments and investment around the Corporate Plan's (Our Plan) principle of participation.

## **7. Financial Implications**

- 7.1 The resources to ensure compliance with the Regulator's Standards must be found within the Adur Housing Revenue Account which is a ring-fenced account. Overall, the HRA has significant budgets available to it (£14.8m) and every endeavour will be made regarding best use of these existing resources to deliver the improvement plan.
- 7.2 However, to improve financial capacity to deliver any additional requirements arising which cannot be accommodated with the existing revenue budget, a

capitalisation direction will be sought to enable the council to access the Major Repairs Allowance which stood at £9.4m as at 31/3/2022. This reserve can currently only be used to fund capital expenditure and the repayment of any debt under legislation. Members are reminded that there is no guarantee that a direction will be given and that there will be revenue consequences in utilising this reserve as it was planned to be used to finance the capital programme. Any resources used to support the revenue budget would need to be replaced by borrowing at an estimated revenue impact of £45,000 per £1m additional borrowing in a full year.

- 7.3 A review of the Housing Revenue Account Business Plan will be undertaken shortly to enable the service to track the management of resources to deliver against the government's Decent Homes Standard and to ensure compliance in all other service areas.

Finance Officer: Sarah Gobey

Date: 23rd February 2023

## **8. Legal Implications**

- 8.1 Under Section 111 of the Local Government Act 1972, the Council has the power to do anything that is calculated to facilitate, or which is conducive or incidental to, the discharge of any of their functions.
- 8.2 s1 of the Localism Act 2011 empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation
- 8.3 Section 3(1) of the Local Government Act 1999 (LGA 1999) contains a general duty on a best value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 8.4 Section 8 of the Housing Act 1985 continues to place a duty on every local housing authority to consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation.

Legal Officer: Joanne Lee

Date: 21/02/2023

## **Background Papers**

- [Regulatory Standards](#)
- [Decent Homes Standards](#)
- [Our Plan](#)

- [Housing Strategy: Enabling communities to thrive in their own home” 2020-2023](#);
- [Temporary Accommodation Placement and Procurement Policy](#), and
- [Community Homelessness Strategy 2017-2022](#)
- [Housing Revenue Account 2023/24 Budget](#)
- [The Charter for Social Housing Residents - Social Housing White Paper](#)
- [Adur District Council Constitution](#)

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## **Sustainability & Risk Assessment**

### **1. Economic**

- 1.1 Thriving Economy is one of the four Missions identified in Our Plan and will therefore become one of the key documents informing the direction and prioritisation of the council's work with regard to Adur Homes.
- 1.2 Providing a decent home that is secure, affordable, warm and modern, supports the wellbeing of our residents, enabling those who are able to work to enter and sustain employment and contribute to economic activity.

### **2. Social**

#### **2.1 Social Value**

- 2.1.1 Residents and communities are central to Our Plan and 'Thriving People' is one of the four Missions identified in Our Plan. This mission aims to ensure people are healthy, resilient and resourceful, that they can access the right help when they need it and everyone has a safe, secure and sustainable home.
- 2.1.2 One of the three overarching Principles in Our Plan is Participative, which is based on the explicit intention to work more closely with citizens to involve them in deeper and more meaningful conversations about service design and delivery. Our work to meet decent homes and the other housing standards linked to tenant participation therefore forms a central part of the council's commitments.

#### **2.2 Equality Issues**

- 2.2.1 The council is subject to the general equality duty set out in section 149 of the Equality Act 2010. This duty covers the following protected characteristics: age, gender, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation.
- 2.2.2 In delivering housing services the council must have due regard to the need to:
  - Eliminate unlawful discrimination, harassment and victimisation
  - Advance equality of opportunity between different groups
  - Foster good relations between different groups

2.2.3 The participative principle in Our Plan describes the council's commitment to providing truly inclusive services by listening to underrepresented voices, creating equal access and meeting our equality duties.

2.2.4 The council's legal duties (Equality Act 2010) will inform the Development and delivery of the improvement plan, in relation to eliminating discrimination, advancing equality of opportunity and fostering good relations.

2.2.5 Decisions, actions and areas of investment relating to implementation of the improvement plan, may require Equality Impact Assessments.

## **2.3 Community Safety Issues (Section 17)**

2.3.1 The council is committed to the promotion of communities as safe places. Our Plan seeks to progress delivery of the councils' community safety commitments by strengthening working partnerships with the Police, communities, businesses and multidisciplinary teams across the council.

2.3.2 As part of our ongoing work to meet the Neighbourhood and Community Housing Standard will see to keep the neighbourhood and communal areas associated with the Adur Homes clean and safe, co-operate with relevant partners to promote the wellbeing and help prevent and tackle anti-social behaviour.

## **2.4 Human Rights Issues**

2.4.1 The actions set out in the report will enable the council to identify solutions that will enable our residents, communities and neighbourhoods to flourish.

## **3. Environmental**

3.1 Thriving Environment is one of the four Missions identified in Our Plan and key actions include achieving net zero carbon, resilience to climate change and increased biodiversity by restoring natural habitats and minimising waste.

3.2 The improvement plan, as part of the wider work plan for Adur Homes, will as part of these commitments actively contribute to carbon reduction, waste minimisation and biodiversity improvement objectives.

## **4. Governance**

- 4.1 In line with the constitution this report will be referred to the Joint Audit and Governance Committee to note and comment. Additional engagement will also be undertaken with the Adur Homes Management Board.
- 4.2 Further updates, including the improvement plan will be brought to JSC Adur Subcommittee on a quarterly basis.

## **Appendix 1**

Interim Policies and Procedures that will be updated and adjusted as required through review and the Regulator's recommendations.

[Leasehold Management Policy](#)

[Major works payment policy](#)

[H&S policy](#)

[Damp and mould policy and procedures](#)

[Asbestos Management Plan](#)

[Electrical safety policy](#)

[Gas policy](#)

[Lift equipment maintenance and servicing Policy](#)

[Water Safety and Hygiene \(Legionella\).](#)

[Complaints](#)

[Compensation Policy](#)



ADUR DISTRICT  
COUNCIL

## **ADUR HOMES**

**Enabling Communities to Thrive in Their Homes**

# **Leasehold Management Policy (2020 - 2025)**

**Adopted:**

**Review Date: March 2024**

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**3.0 Context and background**

**4.0 Policy Principles**

**5.0 Primary policy approaches**

**6.0 Leaseholder engagement and communication**

**7.0 Performance measures and standards**

## 1.0 Introduction and Purpose

- 1.1 This document sets out the basic principles of how the Council will manage its leasehold properties and comply with its obligations under the lease and its wider statutory obligations towards leaseholders.
- 1.2 It also outlines the high-level policies for key areas of leasehold management.
- 1.3 The purpose of the policy is to provide clarity to Council staff and to residents on the Council's responsibilities towards leaseholders and to show leaseholders what they may expect from the Council.

## 2.0 Definitions

In this document the following key terms are used:

<b>Leaseholder</b>	The owner of a flat or maisonette, who either bought their home from the Council under the Right to Buy, or who bought it on the open market from the Right to Buy purchaser or from a subsequent owner.
<b>Lease</b>	A lease gives the right to the leaseholder to use and occupy a property for a fixed period of time . Leases granted under the Right to Buy are for a term of 125 years from the first sale in the block. The lease sets out the rights and responsibilities of both the leaseholder and the landlord.

<b>Freeholder</b>	Adur District Council owns outright the building of which a flat or maisonette forms a part, including any grounds or communal areas and has granted the leases to the leaseholder.
<b>Landlord</b>	Adur District Council is the landlord as it has granted the leases . Its legal obligations towards leaseholders and the rights it is able to exercise are set out in the lease and by the relevant legislation.
<b>Service Charges</b>	The charge paid by the leaseholder as their share of the landlord's costs including overheads for carrying out communal repairs or providing services such as grounds maintenance and building cleaning . These services are set out in the lease. The legal definition of a service charge is given by the Section 18 of Landlord & Tenant Act 1985 (as amended).
<b>Major Works</b>	Cyclical,periodic or capital works, such as external repairs and decorations, roof repair or renewal , or the installation of replacement windows. A legal consultation process is carried out before such works are undertaken where the cost to any leaseholder is £250.00 or more.
<b>Long-term agreement</b>	This is an agreement with a contractor that lasts more than 12 months to carry out repairs or provide services . Where any leaseholder may be charged more than £100/ year under such an agreement, a legal consultation process has to take place with leaseholders before entering into the agreement. Examples of services which might be provided under a long term agreement include grounds maintenance , communal TV aerial service/maintenance, building cleaning etc

### 3.0 Context and background

- 3.1 Adur District Council manages approximately 530 leasehold properties. This is approximately 20 % of its housing stock.
- 3.2 The principal legislation governing the Council's relationship with leaseholders and which informs this policy includes :

- Housing Act 1985 (as amended)

- Gives secure tenants the Right to Buy
- Prescribes the provisions that can be included in a Right to Buy lease
- Gives the landlord powers to offer loans for the payment of service charges
- Requires tenants who have bought their home under the Right to Buy and want to sell it within the first 10 years to give the Council first refusal to buy it back

- Landlord & Tenant Act 1985 (as amended)

- Defines meaning of service charge
- Gives leaseholders rights in relation to service charges and consultation about major works
- Requires demands for payment of ground rent to be in a prescribed form
- Requires a demand for payment of a service charge to be accompanied by a summary of leaseholder rights and obligations in a prescribed form

- Landlord & Tenant Act 1987

- Gives qualifying leaseholders the right of first refusal to buy the freehold

- Leasehold Reform, Housing and Urban Development Act 1993

- Gives qualifying leaseholders the right collectively to purchase the freehold of their building (enfranchisement)
- Gives qualifying leaseholders the individual right to extend their lease

## **4.0 Policy Principles**

4.1 The Council will carry out its obligations as landlord under the lease and will comply with all relevant legislation relating to leaseholders and will follow best practice in leasehold management.

4.1 Leaseholders have a clear obligation under the terms of their lease to pay their

share of the Council's costs in carrying out repairs and providing services to their building. These costs are apportioned between the number of properties within the block.

- 4.2 The Council has limited powers to waive service charges from leaseholders and these are in specific circumstances; additionally the Council has a general fiduciary duty to recover charges due to it. The Council's policy aim is therefore to provide leaseholders with a range of payment options and to signpost them towards sources of advice and support to assist them in paying their share of the costs of services, repairs and improvements.
- 4.3 The Council aims to provide the same standard of service and customer care to both tenants and leaseholders.

## **5.0 Primary policy approaches**

### Service Charges

- 5.1 Service charges will reflect the actual cost of delivering repairs and services, including overheads, and the Council will ensure these costs are supported by appropriate records and documentation.
- 5.2 Service charge schedules showing the actual costs for the previous financial year will be produced annually in a timely manner.
- 5.3 The management charge will regularly be reviewed to ensure it accurately reflects the Council's costs of calculating and collecting service charges and the management of leasehold properties and services to leaseholders.
- 5.4 The Council will offer a range of payment options to assist leaseholders. For major works charges the repayment period will be based on the size of the charge (Please refer to Payment Policy for Leasehold Major Works Charges) . There will be an interest free period, but interest will apply where the repayment period exceeds this.

### Major Works consultation

- 5.6 The Council will ensure it carries out statutory consultation where it is required under the Landlord & Tenant Act 1985 (as amended) in advance of carrying out major works. It will also carry out consultation where required in respect of any long-term agreements.

- 5.7 The Council will consider applying to the First-Tier Tribunal for a dispensation from some/all of the consultation requirements where it is appropriate, for example, for emergency repairs.

#### Leasehold Management

- 5.8 The Council will have procedures to deal with routine leasehold management processes, including subletting, alterations, the Right of First refusal for the Council to buy-back a property, applications to purchase the freehold ( enfranchisement) or to extend the lease etc.
- 5.9 The Council will apply its housing management policies to leasehold properties where appropriate, for example, in relation to antisocial behaviour, or to access to carry out repairs or inspections.

### **6.0 Leaseholder engagement and communication**

- 6.1 The Council is committed to involving its leaseholders in developing and improving the service, and listening to leaseholders' views and feedback and will promote engagement opportunities for leaseholders.
- 6.2 The Council will provide information for leaseholders , including a leaseholders' handbook or set of factsheets. This and additional information will be available on the Council's website.

### **7.0 Performance measures and standards**

- 7.1 The Council will monitor its performance in relation to the services it provides to leaseholders to help drive improvements in service charge collection rates and in customer satisfaction rates.
- 7.2 The Council will have a rolling programme of reviewing its leasehold policies and procedures reflecting customer feedback and changes in legislation or best practice.



ADUR DISTRICT  
COUNCIL

**Adur Homes**

**PAYMENT POLICY FOR  
LEASEHOLD  
MAJOR WORKS CHARGES**

**Adopted:**

**Review Date: March 2024**

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- 1 Introduction**
- 2 Leasehold financial assistance**
- 3 Prompt Payment Discount**
- 4 Signposting and advice**

# 1. Introduction

- 1.1. This policy affects residential leaseholders of the council. These include those who have bought their home under the Right to Buy and those who have purchased a council leasehold property on the open market.
- 1.2. The policy covers major works service charges which are payable by the leaseholder to the council as freeholder under the terms of the lease.
- 1.3. Major works can include maintenance and repair, and sometimes improvement, of the exterior and structure of the building and common parts. Examples of major works might include repairing, replacing or decorating the roof, window frames, exterior brickwork or structural repairs, communal areas, soffits, fascias, external guttering, downpipes, pathways, door entry installation or replacement; lift renewal.
- 1.4. Major works will not include maintenance and repair of the 'demised premises', which will normally be the interior parts of the flat. The lease would have a definition of what is included within the demised premises and what is, therefore, what is the leaseholder's responsibility. Please see your lease agreement for further details.
- 1.5. Leaseholders have the legal right to be consulted where any major works charge would be more than £250 per leaseholder. Section 20 of the Landlord & Tenant Act 1985 requires a landlord to consult with leaseholders or a Recognised Tenants' Association before major works are carried out.
- 1.6. The consultation process involves
  - 1.6.1. Writing to leaseholders (Notice of Intention) describing the proposed works. The notice(s) would invite leaseholders to comment on the proposed works and estimate(s) within the following 30 days.
  - 1.6.2. Providing leaseholders with at least two estimates after the consultation period above (Notice of Estimates) – provide the leaseholders with a minimum of 30 days to make observations and specify the address where observations should be sent.
  - 1.6.3. Serving a Notice of Reason if the contractor chosen is not the lowest estimate.

## 2. Leasehold financial assistance

- 2.1. We offer a support package to leaseholders in council-owned blocks for major works costs.
- 2.2. For non-resident leaseholders, payment is due within 14 days of the invoice. In certain circumstances, we may consider an extended repayment term of up to two years with interest charged on the outstanding debt at an interest rate based on the bank base rate plus 2%.

### Extended payment options

- 2.3 The table below states the extended payment options available to residential leaseholders. These options are not available to non-residential leaseholders

Amount	Maximum Interest repayment period	Admin fee Land Registry fee
> £1,000	1 year 0%	--
£1,000-£2,000	2 years 0%	--
£2,000-£5,000	3 years 0%	Yes Yes
£5,000-£10,000	5 years 0%	Yes Yes
< £10,000	10 years 0%	Yes Yes

- 2.4. The following are the terms and conditions of the extended payment options

- 2.4.1. Leaseholders must set-up the arrangement within 28 days of receiving the invoice
- 2.4.2. Payment must be by direct debit
- 2.4.3. The maximum repayment period offered to leaseholders where the property is not their only or principal home is 2 years
- 2.4.4. Any balances must be cleared on /before the sale of a property
- 2.4.5. The administration fee is for the council's costs of setting up the legal charge on the property. The land registry charge is the fee for registering the charge.

## Deferred payment scheme

- 2.5. The option to defer payment of a major works service charge subject to a charge secured against the property. The principal and interest to be payable on the sale of the property.
- 2.6. The option is available where the major works charge is at least £2,000.00 and for leaseholders who:
- 2.7. The following are the terms and conditions of the deferred payment scheme; leaseholders must
  - 2.7.1. Reside in the property as their only or principal home
  - 2.7.2. Be of pensionable age OR
  - 2.7.3. In receipt of state benefits as their only source of income
  - 2.7.4. Be able to demonstrate that they cannot afford the repayments under the extended payment scheme
  - 2.7.5. Be able to demonstrate that they cannot access alternative finance
  - 2.7.6. Provide satisfactory evidence that there is sufficient equity in the property
- 2.8. Leaseholders wishing to defer payment will also have to meet the following cost at the time of setting up the agreement
  - 2.8.1. An administration charge for setting up the loan agreement
  - 2.8.2. A fee for registering the charge.
  - 2.8.3. A further fee when the loan is discharged
  - 2.8.4. Solicitors fees depending on amount of work or negotiation involved
- 2.9. Interest will be charged based on the bank base rate plus 2% which compounded annually will apply to the sum deferred.
- 2.10. The principal and interest will be repaid when the property is sold or on the death of the leaseholder/joint leaseholders (as the case may be).

### **3. Prompt Payment Discount**

- 3.1. A prompt payment discount of 5% is available where the major works invoice is paid in full within 28 days.

### **4. Signposting and advice**

- 4.1. Leaseholders are encouraged to make their own arrangements to make payment of major works charges, for example by approaching their existing lender. This reflects the fact that it is not a primary function of the landlord to facilitate the financing of a leaseholder's obligations to pay the charges due under their lease.
- 4.2. The council will provide information and support and signpost leaseholders to independent sources of advice.

### **5. Review of policy**

- 5.1. The Head of Housing and the Chief Financial Officer have delegated authority to review the terms and conditions, interest rate (for new cases) and administration fees every 3 years.



ADUR DISTRICT  
COUNCIL

**Adur Homes**

# **Health and Safety**

**Adopted:**

**Review Date: March 2024**

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# 1. Introduction

## 1.1 Adur Homes and its approach to health and safety

The purpose of this document is to clearly communicate standards of health and safety management throughout our housing stock, for our tenants, staff and contractors.

Health and safety is a key focus for Adur Homes. We are committed to addressing all health and safety challenges to ensure that our service is operated and managed in a responsible manner to comply with all relevant legislation and where possible to implement best practice and set sector leading standards.

Adur Homes has produced this document to ensure those affected by our undertaking understand the health and safety standards which we require across our business.

## 1.2 Links to the Corporate Health and Safety Policy

This policy document is designed to support the corporate commitments made on Health and Safety: -

‘The Councils recognise and accept their responsibilities as employers for providing safe and healthy workplaces and working environments for all of their employees’.

This policy statement reflects how the work of Adur Homes links to the delivery of the corporate policy, specifically ensuring the provision and maintenance of:-

- Plant, equipment and systems of work that are safe and risk assessed;
- Safe arrangements for the use, handling, storage and transport of articles and substances;
- Sufficient information, instruction, training and supervision to enable all employees to avoid hazards and contribute positively to their own safety and health at work;
- A safe place of work with safe access to, and egress from such place of work;
- Safe processes for our contractors to work in our stock
- A healthy work environment;
- Adequate welfare facilities.

## 1.3 Setting out the minimum standards we require in health and safety management

We recognise that health and safety performance is an integral part of what we do and will reflect on our overall performance as a service. We acknowledge the costs of accidents both in human distress and financial costs and embrace our legal and moral obligations to ensure, wherever possible, that the risks to health and safety are minimised.

The standards contained in this policy should be used by all employees and contractors as a guide to the safe management of work activities. It does not provide all the technical information for each specific topic, however it does provide a framework to deliver a consistent approach.

It will also give guidance on where to find further help and advice if necessary.

This document only covers health and safety issues that relate to the provision of Adur Homes. The Council's Corporate Health and Safety Policy and Employees Handbook - Covering Welfare, Health & Safety and Standards of Personal Behaviour at Work provides advice on generic health and safety issues which cross departments (Lone Working and Personal Safety for example).

## 2. Aims

Our health and safety aims, goals and targets within the Housing Service are:

### 2.1 Our Goals

- To secure the health, safety and welfare of all those who may be affected by our undertaking.
- To foster a commitment to health and safety through consultation and involvement.
- To set health and safety performance targets to enable performance to be measured
- To improve awareness of health and safety management amongst Housing Service staff.
- To develop, maintain and implement standards and procedures that are considered to be best practice.
- To consult and involve tenants as necessary.

### 2.2 Training and information

- To ensure staff are provided with information, instruction and training
- To ensure all staff should have an agreed training programme which is reviewed annually.

### 2.3 Risk Assessments

- To ensure risk assessments are completed by a competent person.
- To ensure risk assessments are reviewed at least every **three** years, or when significant changes are made or following an accident.
- To ensure any uncontrolled risks are mitigated effectively.
- To carry out continual hazard and risk identification to mitigate any potential for harm.

## **2.4 Accidents/Incidents**

- To ensure all accidents and incidents are reported in accordance with statutory requirements and departmental protocols.
- To ensure that accidents, incidents, dangerous occurrences and near misses are kept at the lowest possible level.
- To ensure that all identified risks are appropriately controlled.

## **2.5 Monitoring and inspection**

- To implement a routine procedure auditing programme to measure the effectiveness of management procedures.
- With the Corporate Health and safety Team, an annual review of the health and safety management system is to be undertaken by a competent person.

## **2.6 Review**

- To undertake performance reviews (for example in 1:1s) and maintain records of data collected in order to demonstrate continuous improvement in health and safety performance.

## **2.7 Document Control**

- All health and safety documentation will be reviewed in line with statutory and service requirements and best practice.
- All documents will be subject to periodic review and reassessment in the light of any internal or external changes in the way we operate.

# **3. Health and Safety Responsibilities**

## **3.1 Health and safety management structure**

The management structure for health and safety is being reviewed and the structure below is indicative of the key roles and areas of responsibility required. The indicative structure described below follows similar principles to the corporate structure but defines responsibility within Housing specifically.

## **3.2 Management responsibilities**

The health, safety and welfare of all those who may be affected by our business activities is our highest priority and therefore, we commit to ensuring that appropriate resources are set aside for the delivery of safe systems of work, a safe environment for our tenants, the prevention of accidents, incidents and ill health, the effective management of our contractors and to meet our health and safety targets.

### **3.3 Overall health and safety responsibility**

The Chief Executive is responsible for health and safety compliance at Adur District Council ensuring that all legal obligations are met. The Chief Executive ensures the implementation of Council policy, monitors compliance via the service performance indicators and reports to the Corporate health and safety board, to ensure that health and safety performance is an integral function of management.

#### **The Head of Housing**

Reports to the Chief Executive, recommends policy, takes responsibility for management across Adur Homes and housing services and reports on compliance to the Chief Executive. Responsibilities include;

- Recommends policy to the Chief Executive for submission to the Housing Committee
- Monitoring compliance and escalating where appropriate.
- Ensuring sufficient resources are available
- Provides adequate management systems and support to ensure standards are maintained.
- Communicating standards, requirements and providing updates on performance.
- Chairing meetings of the Housing Management Team – Health and Safety to be an embedded agenda item.
- Ensuring that all staff are made aware of matters which could affect their health and safety at work.
- Ensure they have adequate knowledge and or access to all legislation relevant to Housing Services.
- Ensure that employees are released to attend appropriate training sessions and that training is funded.

#### **Asset Manager**

Responsibilities include;

- Setting and monitoring performance standards
- Recommends policy for approval by the Head of Housing
- Ensuring adequate arrangements are in place to meet all health and safety standards.
- Taking appropriate action to address health and safety issues which may arise.
- Facilitates staff consultation and communication.
- Ensuring Housing Service policies are implemented.
- Promoting greater risk management and Health and Safety awareness amongst all Housing Services employees by example and ensuring that only properly trained and competent staff are responsible for assessing risks and determining adequate control measures within the working environment.

## **Managers**

Responsibilities include;

- Staff are provided with such information, instruction, supervision and training to enable them to safely carry out their duties.
- Risk assessments are carried out on work activities that may present a significant risk to staff, and suitable control measures are devised and implemented.
- Accidents, incidents and ill-health arising out of work are reported, recorded and investigated where necessary.
- Work areas are regularly inspected and monitored for unsafe conditions.
- Where managers have responsibilities for premises, risks relating to both employees and non-employees are adequately controlled.
- Ensuring that the health and safety training needs of all their staff are assessed and fulfilled.
- Ensuring that any contractors, including contract or agency staff, taken on are competent taking particular care with specialist compliance areas such as gas, asbestos, electrical and fire safety.
- Ensuring that any contractors supply suitable risk assessments and method statements before commencing work in and on our stock
- Ensuring that both they and their staff are aware of personal responsibilities. Providing regular reports on health and safety performance and issues to Asset Manager.

## **Employees**

Responsibilities include;

- As employees we all have a legal duty to take care of our own health and safety and that of others, fellow employees, contractors, tenants and visitors or anyone else who could be affected by their actions or omissions.
- Compliance with all Adur District Council requirements, instructions, policies and procedures.
- Being familiar with Adur Homes Health and Safety policy and any other relevant Adur District Council health, safety or compliance policies
- Not intentionally or recklessly interfering with, nor misusing, any equipment provided for the protection of their, or anybody else's health and safety.
- Measures to control risks must be followed at all times.
- Effective health and safety will only be achieved through co-operation with the Housing Service management team.
- Co-operate with all supervisory and management staff to ensure all relevant statutory regulations, policies and procedures are adhered to.
- Participate in any training designed to improve their knowledge, skills and understanding about health and safety
- Report to their manager all faults, hazards, errors, accidents/incidents, near misses, dangerous occurrences or damage, regardless of whether anyone is injured.
- Be aware of the risk assessment process and its relevance to their roles.

## **Compliance Manager**

Responsibilities include:

- Advising the Housing Service on all health and safety matters concerning property management.
- Producing management updates as required.
- Review as directed management compliance against legal, best practice and our requirements and reporting on a timely basis.
- Conducting regular risk assessments and audits to identify, analyse and eliminate or mitigate any potential risks.
- To act as lead risk officer and effectively manage all associated risks, health and safety and statutory compliance risks relating to Adur District Council Housing Services.
- Liaise with the Corporate Health and Safety Advisor to ensure all CPD and training requirements for Housing Services employees are met.
- Liaise with the Corporate Health and Safety Advisor on the identification of any mandatory training needs for Housing Services employees.
- Provide advice, support and guidance to other team managers within Adur Homes for the review and approval of RAMs and SSOW documents from contractors.

## **Competent Advisor – Safety and Resilience Team**

The “Competent Advisor” is responsible for:

- Advising the Housing Service on all health and safety matters concerning property management.
- Producing management updates as required.
- Undertaking risk assessments and inspections as directed by the Asset Manager
- Review as directed management compliance against legal, best practice and our requirements and reporting on a timely basis.
- Undertaking accident investigations when required to do so.
- Delivering and securing relevant training when required to do so.

## **Contractors**

A contractor is anyone retained to carry out work who is not an employee to perform tasks such as maintenance, repairs, installation, construction, demolition etc.

The employment of contractors or consultants will not absolve the duty holder of responsibility for ensuring that hazards have been identified, risks quantified and control measures meet the standard required. To this end reasonable steps must be taken to ensure the competence of contractors before entering into contracts or ad-hoc work. Similar steps must be taken to ensure on-going compliance.

Our Requirements

- We will ensure that all contractors are thoroughly vetted to ensure they have adequate health and safety policies, procedures and practices in place prior to being used on our properties.

- We will ensure contractors are provided with the necessary information required to undertake the work safely. Such information may include but is not limited to; risk assessments, fire risk assessments, asbestos surveys, safe systems of work, statutory inspections, training records, customer of concern information and monitoring procedures.
- We shall maintain a copy of the contractor's written health and safety policy statement along with risk assessments, method statements and Public Liability and Employers Liability Insurance. This will be subject to an periodic review.
- We will notify tenants affected by any works and ensure they are consulted prior to works being undertaken and kept informed as to the progress of the relevant works.

#### Contractor's responsibilities

- All contractors must ensure compliance with the terms and conditions of their contract and Adur Homes Health & Safety policy which makes specific reference to compliance with legislation and Approved Codes of Practice at all times.
- It will be the responsibility of approved contractors to review risk assessments and method statements, comment on their suitability and make adjustments where required to ensure that the health and safety of all parties is protected throughout the period of the work. Details of this review must be provided to Adur Homes. Wherever possible the contractor must ensure that risk is eliminated.

#### Permit to Work

- We will ensure that no hazardous works are to be carried out without the completion of a valid permit to work form.
- The following works are considered to be hazardous:
  - Hot works\*
  - Work within a confined space
  - Certain work at height e.g. working on unprotected roof areas.
  - High risk electrical works e.g. live working.
  - Removal of asbestos, for details refer to Asbestos Management Plan
- We will ensure that all permits to work are supported by a written risk assessment and method statement that must be submitted in advance. Any permit to work must be authorised by an appropriate and competent person. Suitable records must be maintained.
- We will ensure that contractors do not start any hazardous work without the authority of the appropriate signed and dated permit to work. All permits to work should be time limited and are valid only for the period stated on the document itself.

5. It shall be the responsibility of the contractor to ensure that before the contractor's employees leave the site:

- The work area is free from obvious hazards.
- There are no residual fire safety hazards.
- All equipment that has been worked on has been re-commissioned and is operating safely (or is safely decommissioned as is appropriate).
- The contractor will sign in before commencing work and out on the completion of the work each day on site.

- When issued a permit to work must be signed off as completed.

\*Hot Works is defined as “operations requiring the use of open flames or the local application of heat or friction”. This includes welding, flame cutting, soldering, brazing, grinding and the use of other equipment incorporating a flame, e.g. tar boilers, etc.

## 4. Policy Statement

### 4.1 Policy statement

Adur District Council's Housing Service recognises and accepts its responsibility to provide and maintain the safest and healthiest work conditions which meet best practice and achieve legal compliance so far as is reasonably practicable.

Adur Homes also recognises that every accident or dangerous occurrence, however slight, is a matter for concern and that the need for constant alertness by all Corporate Heads, Heads of Service, managers, supervisors and employees is equally important in identifying potential hazards and removing or minimising their effect.

All employees of Adur District Council and others who work for or with Adur District Council are expected to co-operate with Management to help ensure the effective implementation of this policy and all employees, consultants and contractors are regularly reminded that failure to comply with this policy either by action or inaction may result in the termination of contracts and cancellation of agreements, and may, in very serious cases, result in civil or criminal prosecution.

### 4.2 Policy Objectives

To this end the objective of the Health and Safety Policy for the Council's Housing Service shall be able to:

- To establish and maintain safe working systems throughout the Council, including the introduction of permit to work systems (i.e. for hazardous situations or workplaces) where required.
- To scrutinise risk assessments and method statements of contractors working in our stock to ensure due regard has been given to health and safety.
- To take all reasonable measures to establish the causes of accidents and impairments to health occurring across the housing service and to institute all reasonably practicable remedial measures to prevent recurrence.
- To provide all reasonable facilities to mitigate the effects of accidents and impairments to health and safety when they do occur.
- To ensure that no process, plant, or machinery, is introduced in the Council unless it has conformed with any relevant statutory testing or examination requirement and it has been established that, so far as is reasonably practicable, the safety or health of employees will not be impaired.
- To disseminate information on safe working relating to specific areas of work and on

- general safety and health matters relating to all employees.
- To provide proper and adequate training facilities in order to ensure that all employees are fully instructed in the safe working methods applicable to their jobs
  - To encourage and foster the closest possible liaison between management and employees in all matters affecting safety and health, including the formation of Staff Safety Committees and appointment of Safety Representatives as appropriate.
  - To ensure that all requirements of legislation relating to Housing activities are fully complied with in regard to safety and health, it being recognised that these in the main constitute only a minimum standard of achievement. Monitoring of performance on all health and safety activities undertaken by the Council designed to protect tenants, such as gas and electrical safety testing and rectification, asbestos identification and removal, legionella testing and prevention, fire safety risk assessment, CDM 2015 regulations will be undertaken quarterly.
  - To aim for continual improvement of health and safety performance through employee involvement and by the adoption of newly developed safety and health measures and codes of practice.
  - To advise and keep employees informed of their duties and responsibilities under legislation, including:
    - the requirement to adopt and follow safe working systems and practices - the requirement to make use of facilities and equipment provided for their protection.
    - the requirement to abstain from any act which could endanger the safety or health of themselves or any other person
    - the requirement to refrain from intentionally or recklessly interfering with or misusing anything provided in the interests of health, safety or welfare
    - the requirement to report any known defect which could endanger the safety or health of themselves or other persons
    - the requirement to cooperate with the Council or any other person as far as is necessary to ensure that statutory duties or requirements are performed or complied with.
- 
- Adur District Council will prepare a plan and provide sufficient resources in order to comply with this policy and will make this available to all employees.

## **5. Policy compliance**

### **5.1 Compliance with other policies**

The standard that this policy aims to achieve can only be met by adherence to all Adur District Council's Housing Service health, safety and compliance related policies and to Adur District Council's corporate Health and Safety policies included in the Employee Handbook.

## **6. Consultation, communication and training**

Adur District Council will consult fully and meaningfully with recognised trade unions and non-union staff, on health and safety matters and seek to further develop an effective partnership with the unions in promoting a healthy and safe workplace for all employees and ensuring contractors are doing the same for their employees.

## **7. Monitoring and performance management**

The Health and Safety Policy will be reviewed annually or where there is a need for early review due to learning from incidents or changes to legislation.

All related health and safety policies, guidelines and procedures will be audited, monitored and reviewed on a cycle agreed by the staff Health and Safety Group with an annual update following the review to the Housing Committee. The timescales will depend upon particular issues and whether there is a need for early review.

Compliance against health and safety management requirements, within Housing, will be monitored through a variety of methods including internal audits and a suite of performance indicators.

The effectiveness of health and safety training will be evaluated and reviewed on an ongoing basis by the staff Health and Safety Board. Health and safety and compliance performance indicators will be developed to assist in monitoring performance. These indicators will reflect national standards and measures required by enforcing authorities.

## **8. Equalities Implications**

The Equality Act requires that current employees (or job applicants) who fall within the provisions of the Act are treated no less favorably than those without protected characteristics. Consequently, Adur District Council will as necessarily make such adjustments to working practices, systems, and environment as are reasonable and practicable in order that employee or job applicants with protected characteristics are not discriminated against.



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## **Adur Homes**

# **Interim Damp and Mould Policy and Procedures**

**Adopted:**

**Review Date: March 2024**

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**Appendix 1: Adur Homes Procedure for responding to concerns related to damp and mould.**

## **1. Introduction and Definitions**

- 1.1 This policy has been written to ensure that wherever possible, residents are not adversely affected by the causes of damp and mould and drives forward an agenda of proactive action to tackle/manage the causes of damp and mould.
- 1.2 This policy and associated procedure will take into account recommendations made in the Housing Ombudsman Service Report – Spotlight on: Damp and Mould – Oct 2021 and the recent guidance from the Housing regulator in November 2022.
- 1.3 In terms of definitions, damp can be broadly categorized into 2 predominant types and to be clear this isn't a technical report for surveyors etc, but a general report to help promote understanding.

### **Type 1 Penetrating Damp**

This is when water/moisture enters the building as a result of building failures allowing moisture to enter the internal fabric of the building either directly (ie poor pointing, spalled bricks, roofing issues, drain/gutter issues or failed windows) or via capillary action ( ie de laminated/porous bricks, dpc failure, dpm failure or saturated insulation). This would fall under the landlord's responsibility to rectify as it is the fabric of the building.

### **Type 2 Condensation Damp**

This is when internally generated moisture (breathing, drying clothes, washing, cooking etc), is not properly ventilated and condensates (forms) on surfaces (generally colder). This is generally and something a tenant can control, however there are some specific issues which the tenants are unable to control such as cold bridging (when external parts of the structure directly contact the inner leaf), insufficient heating and hygroscopic salts ( when moisture reacts with the plaster and walls - these salts then draw moisture from the air).

### **Type 3 Plumbing Leakes**

Leaks are a common cause of damp. For example leaks may occur in bathrooms, kitchens, pantries or any other areas where there are taps or pipes. Large leaks caused by burst pipes or broken toilets will be noticed easily, but even small leaks can lead to damp. Over time, leaky bathtubs or sinks can result in damp patches forming on the floor, or broken seals on showers can lead to a build up of moisture that can seep into the walls.

## **Mould**

The most common form of mould found is Black mould (Cladosporium) which is a fungus and is almost exclusively caused by condensation. It is important to note it is a fungus and therefore produces spores, which when concentrated can affect young children or people with asthma. These spores can also affect those with underlying health conditions linked to the respiratory system and immune suppressed conditions. There are also broader well being effects, including mental health, from living in a home with damp and mould.

## **2. Objectives and Purpose**

- 2.1 The overall aim of this policy is to contribute to the efficient and effective management of damp and mould of Adur Homes council housing stock.
- 2.2 To provide an efficient, prompt, and cost-effective repairs and maintenance service, to ensure that the fabric of our properties are protected from deterioration and damage caused from damp and mould.
- 2.3 To adopt a data led, proactive approach to identify high prevalence, high risk areas for damp and mould within Adur Homes Housing Stock
- 2.4 To promote understanding of the Council's legal responsibilities and mutual obligations in relation to delivering housing management, repairs and major works services.
- 2.5 To ensure the Adur Homes achieves high standards of workmanship and customer satisfaction.
- 2.6 To provide a service which reflects the Council's commitment to equality of access to the repairs and maintenance service for all customers.

## **3. Principles**

3.1 The principles of this policy are:

- To provide dry, warm, and healthy homes for tenants.
- That all tenants, leaseholders, and stakeholders are involved and consulted in the development of the service and its operational procedures.
- That through supervision, monitoring and feedback from tenants, leaseholders and stakeholders, the service is continuously improved.
- That communication with tenants, leaseholders and stakeholders is clear, appropriate, easily understood and in certain circumstances

fulfils our legislative requirements.

- That the repairs service is supported by relevant training for operational staff; and that the Policy should be supported by detailed procedures and agreed practices applied uniformly across the Regeneration, Economy & Asset Management Service unit.

3.2 Adur Homes will utilise both the in-house repairs and maintenance team and external contractors to fulfill its needs and obligations in delivering this service.

3.3 Adur Homes will ensure that Value for Money and procurement tender regulations are adhered to. 5 of 8

## **4. Legislation**

4.1 The following is a list of the current legislation that is applicable to this policy:

- Landlord & Tenant Act 1985
- Homes fit for habitation Act 2019
- Commonhold & Leasehold Reform Act 2002
- Right to Repair Regulations 1994
- Building Regulations
- The Housing Acts 1985 & 1996
- Housing Act 2004 – Housing Health and Safety Rating System BS7671 - Requirements for electrical installations 2008 (17th Edition)
- Health & Safety at Work Act 1974
- Environmental Protection Act 1990
- Equality Act 2010

## **5. Damp and Mould Responsive Repairs**

5.1 Damp and Mould responsive repairs are defined in this Policy as requests which are received by the customer or employee, where the defect has been identified.

5.2 On report of a defect we will:

- Complete a property inspection, this may include taking damp and humidity measurements.
- We will evaluate the results of the inspection and identify any

factors that may lead to damp and mould growth to establish the cause of the problem.

- If the outcome of the inspection shows that condensation is causing the problem, we will liaise with the tenant and evaluate what mitigations we can put in place to support tenants. This will include support to tenants with regards to heating and ventilating their home, if fuel poverty is identified as a factor then we will offer support through Proactive and our Cost of Living support packages.
- If damp is found to be present, we will seek to carry out repair works to areas that are the responsibility of Adur Homes. Where this requires complex work, we will keep tenants informed of actions being taken to bring about an effective solution.
- Where extensive works are required, Adur Homes may be required to move the tenants out of their home for a period whilst these works are completed.
- Provide tenants with a damp and mould information leaflet to support them in avoiding damp and mould in their properties.

## **6. Adur Homes Responsibilities**

- 6.1 Adur Homes shall investigate to determine the cause of damp and condensation and carry out remedial repairs and actions in accordance with the tenancy or lease agreement.
- 6.2 Where it is identified it is Adur Homes responsibility Adur Homes will diagnose the cause of damp correctly and deliver effective solutions based on the ethos of dealing with the cause of the damp not just the symptom and wherever possible “fixing first time”.
- 6.3 Promote and provide general advice and guidance on how to manage damp and Condensation.
- 6.4 Adur Homes will ensure that all of our staff have training and are aware of and understand the delivery of the service that will meet the aims of this policy.
- 6.5 Adur Homes will ensure that only competent contractors will be employed to carry out any works and that the tenant’s possessions are adequately protected during the Works.

- 6.6 Adur Homes will, using the communication channels preferred, inform the tenant of the findings of the investigations following a House visit. This will include identifying the possible causes of damp, recommending effective solutions and all necessary remedial works / actions / enhancements and the estimated timescales to complete the works /measures. This will be communicated to the tenant keeping them up to date with their enquiry through the process from inception to completion.
- 6.7 Adur Homes is responsible for insulating the tenants home in accordance with Decent Homes Standard to help reduce the likelihood of condensation occurring.
- 6.8 Adur Homes is responsible for maintaining a tenant's home to avoid leaks and penetrating and rising damp and for carrying out remedial action if these do occur.
- 6.9 Adur Homes will undertake reasonable improvement works required to assist in the management and control of condensation damp, for example installation of mechanical extract fans, fresh air vents, repairing existing insulation, etc.
- 6.10 Remedial works will only be carried out where it is reasonable and practical to do so. Adur Homes will have regard to the constraints of the existing building design and structure and will take a pragmatic approach in finding appropriate solutions.
- 6.11 Adur Homes will make good internal surfaces following any remedial work carried out ensuring that surfaces are prepared to a condition ready for the tenant to redecorate.
- 6.12 Mould wash will only be carried out where this is found to be persistent or extensive and cannot be controlled by the tenant.
- 6.13 In some cases remedial work may not be necessary requiring additional support and advice to be given to the tenant on managing and controlling the occurrences of condensation damp.
- 6.14 Adur Homes will make reasonable attempts to access the property to inspect and Carry out the works.

- 6.15 Adur Homes will not be able to control condensation damp where it is unreasonable or impractical to do so or if any remedial action would be ineffective for example poor construction / design.
- 6.16 Adur Homes will respond to a report of damp and condensation and complete any reasonably practicable remedial works within a reasonable timescale in accordance with the processes and procedures. This will be dependent on the severity and urgency of the problem and on the complexity of the solution of the remedial works/actions required.
- 6.17 Under certain exceptional circumstances where the tenant is unable to carry out mould washes or redecorations, for example because of hardship, disability, age, Adur Homes will seek to support and assistance.
- 6.18 Where Internal conditions within a home for example, overcrowding and excessive hoarding of personal belongs are having an effect on health and wellbeing of the occupants or are preventing inspections or remedial works being carried out, the Adur Homes will provide support and assistance to review the tenant's options that may include moving to more appropriate alternative suitable accommodation. Effective remedial action will not be possible in these instances until the situation(s) has been Resolved.
- 6.19 If it is unsafe for the occupants to remain in the property while the works are carried out, alternative accommodation arrangements will be made. This may be on a day by day basis or a temporary decant to an alternative property. The tenant will be supported through this process to find suitable accommodation.

## **7. Tenant's Responsibilities**

- 7.1 The tenant is asked to regularly check for damp and immediately report to Adur Homes evidence of rising and penetrating damp and also faulty equipment that will hamper the management and control of damp and condensation (faulty extractor fan, unable to open windows, lack of heating etc.). This can be reported via Adur Homes [online report form](#).

- 7.2 The tenant shall regularly check for mould and clean signs of mould as soon as they are discovered. Manage condensation damp following council's guidance found on the website:

**General Information**

[www.adur-worthing.gov.uk/housing/conditions-and-empty-properties/damp-and-mould/](http://www.adur-worthing.gov.uk/housing/conditions-and-empty-properties/damp-and-mould/)

**Leaflet**

<https://www.adur-worthing.gov.uk/media/Media,97569.smxx.pdf>

- 7.3 Clean mould from clothes, fabrics, carpets and furnishings etc.
- 7.4 If all reasonable efforts have been made to manage and control condensation and mould, and this has not been successful contact Adur Homes.
- 7.5 If following an inspection by Adur Homes the outcome shows that all reasonable measures are in place for the tenant to adequately manage the condensation damp further advice and support will be given to the tenant.
- 7.6 If the tenant fails to take the advice and reasonable steps to reduce damp the tenant may be recharged for any resulting repairs required which are considered to be result of this neglect.
- 7.7 Adur Homes recommends that the tenant arranges adequate household contents insurance which should include cover against flood damage.
- 7.8 Where remedial works and mould wash treatments have been undertaken by the Adur Homes, the tenant is responsible for redecoration.
- 7.9 Allow access for inspections and for the carrying out of remedial works (in accordance with the tenancy agreement)

**8. Leaseholder responsibilities**

- 8.1 Leaseholders shall manage and maintain their properties including damp and condensation in accordance with their lease agreement. Adur Homes

will not carry out damp and condensation remedial works to leasehold properties unless it is determined that the cause is due to a building defect/repair.

- 8.2 Any neglect by the leaseholder to manage or carry out repairs for which they are responsible for that as a consequence has a direct impact on the condition of a council owned property will be dealt with in accordance with the lease.

## **9. Private Rented Accommodation**

- 9.1 Where the council assists with placing an applicant into the private rented sector the council will provide support and assistance that may involve carrying out a site inspection, identifying the cause of the damp and condensation and notifying the landlord of the findings. If the landlord does not respond in a satisfactory manner further support will be provided and legal advice will be sought.

## **10. Performance Monitoring**

- 10.1 The Head of Housing will monitor this policy and its effectiveness, reporting progress to the Director of Communities, the relevant Cabinet Member and through performance reporting to tenant engagement arrangements, Joint Strategic Committee and Joint Overview and Scrutiny Community.
- 10.2 This policy will be reviewed on a biennial basis or in line with legislative or Regulatory changes.

## **11. Complaints**

- 11.1 If a tenant or leaseholder is not satisfied with our service a formal Complaint may be raised.
- 11.2 Complaints can be made via the Councils website:  
[www.adur-worthing.gov.uk/complaints/](http://www.adur-worthing.gov.uk/complaints/)
- 11.3 Matters should be resolved as soon as possible and within 10 days of the acknowledgement; for complex cases this may be extended for a further 10 working days. If matters cannot be resolved within the maximum

timescale of 20 working days, we will contact the complainant to let them know of the delay and advise when we will be able to respond.

## **12. Equalities**

12.1 All Council policies aim to address the general duty of the Public Sector Equality Duty (A requirement on Public Bodies within the Equality Act 2010) to:

- Eliminate unlawful discrimination, harassment and victimization and other conduct prohibited by the Equality Act 2010.
- Advance equality of opportunity between people from different groups; and foster good relations between people from different groups.
- We will comply with all statutory and regulatory requirements and with best practice relating to the provision of this service, treating tenants in a fair and non-discriminatory way, in accordance with the Equalities Act 2010.



## **Appendix 1 -**

### **Adur Homes Procedure for responding to concerns related to damp and Mould**

#### **Introduction**

This procedure outlines how Adur Homes will deal with reports of damp and mould.

It is essential that Adur Homes addresses issues associated with damp and mould in tenanted properties. Responses will be based on priority rating identified through our triaging process.

A Property Inspection should be raised to initiate this procedure. Notes can then be made under the inspection both by Technical Services and Housing Services.

Responsibilities are identified within the procedure. Each step of the process identifies the role responsible for the task.

This process will be reviewed every 3 years.

#### **Discretion**

This procedure relies on Surveyors and Adur Homes staff looking for inventive solutions to the damp and mould presenting in the tenanted property.

Discretion is identified within this procedure for this reason.

In terms of educating the tenant to tackle damp and mould themselves successfully – house plants and moisture traps/crystals should be considered.

There is an assumption built into this procedure that notes will be maintained to record actions that have been taken in accordance with this procedure.

Those notes should be recorded in Adur Homes systems as appropriate.

## **Standard letters**

### **Mould Acknowledgement Letter**

Dear TENANT

#### **Report of mould in ROOM at ADDRESS**

Thank you for contacting Adur District Council regarding mould developing in your ROOM.

Unfortunately, mould is a very common problem in many properties. As a result, Adur District Council has put together a guide for its tenants to help them tackle any mould growth building up within their property.

I have included the guide with this letter. I am hopeful that if you follow the guide you will no longer experience mould and/or will be able to keep the growth to a minimum.

I intend to visit you on DATE to ensure that you do not need further support from Adur District Council to help manage mould growth within your property.

The reason for the delay is to give you the opportunity to act on the content of the guide before my visit.

Yours sincerely

Property Surveyor

### **Mould Letter 1**

Dear TENANT

#### **Visit to address mould in ROOM at ADDRESS**

Thank you for arranging for me to visit your property on DATE following your call to Adur District Council on DATE. From my visit today I can see that mould has started to accumulate in AREA.

We agreed at the visit that Adur District Council would do the following to assist you to tackle the mould within your property.

- Send you a 'mould pack' which contains a wash for the area in question
- Install a positive air pressure system
- Refer you to our Housing Services Team to support you to reduce the moisture generated in your home.
- Other

We also agreed that to keep the mould away you would need to: -

- Clean and wipe the area daily

- Ventilate the area to ensure the room has the opportunity for water molecules to disperse
- Limit the amount of furniture and other items are kept in the room to ensure that air is able to circulate
- Ensure that clothing is not dried in the room or if it is the window is left open to minimise water build up on the walls

I have also provided you with a leaflet which explains more about how mould can develop and how to keep it away.

I will arrange to visit you again on DATE (in 2 months) to see if you need further support with the above actions.

I am confident that with us both working together we can keep mould within your property to a minimum.

Please contact our Customer Services Team on BLANK should you need further support with this issue between me visiting and my next visit on DATE.

Yours sincerely

Property Surveyor

## **Mould Letter 2**

Dear TENANT

### **Visit to address mould in ROOM at ADDRESS**

Thank you for seeing me on DATE following your call to Adur District Council on DATE.

My colleague from our Technical Services Team visited you on BLANK and asked me to make contact with you to discuss how Adur District Council Services Team can support you to reduce the mould at your property.

Adur District Council do not consider there to be any issues with the property that is allowing the mould to accumulate.

We agreed at the visit that Adur District Council would do the following to assist you to tackle the mould within your property.

- Ask Adur Homes to support you to reduce the items contained within the ROOM to improve air flow.
- Discussed the importance of ventilation and how to do that in a way that minimises the impact on heating bills.
- Send you a warning notice regarding the condition of your property, which may escalate into more serious action if the condition does not improve.
- Refer the case back to ask for an independent investigation into the cause of the mould in your ROOM.
- Other

We also agreed that to keep the mould away you would need to: -

- Clean and wipe the area daily
- Ventilate the area to ensure the room has the opportunity for water molecules to disperse
- Limit the amount of furniture and other items are kept in the room to ensure that air is able to circulate
- Ensure that clothing is not dried in the room or if it is the window is left open to minimise water build up on the walls

I have also provided you with a leaflet which explains more about how mould can develop and how to keep it away.

I will arrange to visit you again on DATE to see if you need further support with the above actions.

I am confident that If you take daily action to minimise mould build up; you will not have a problem with this issue going forward. Unfortunately, if you fail to take any action, mould will continue to build up potentially causing damage to the property. Please contact our Customer Services Team on BLANK should you need further support with this issue between me visiting and my next visit on DATE.

Yours sincerely

**Damp and Mould Leaflet**

[Link to relevant part of the website](#)

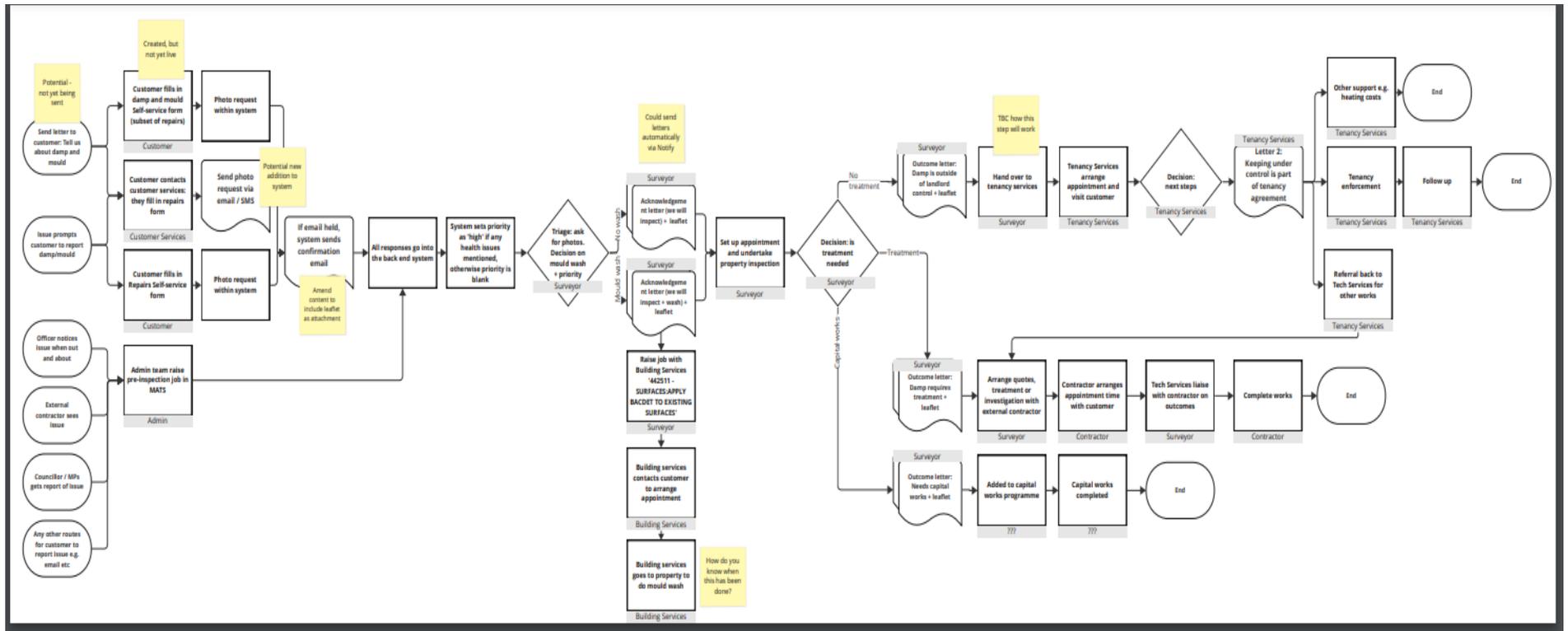
## Draft Checklist

<b>Property Inspection</b>		
Tenant's name:		
Property Address:		
Carried out on DATE		
		Tick
Issues considered:	Trickle vents	
	Fans	
	Window locks and opening	
	Cavity wall insulation	
	Heating system and use	
	Ventilation	
	Structural issues	
	Other	
Moisture reading/location:		
Advice given:		
Actions and date for delivery (ADC):		
Actions and date for delivery (tenant)		
Northgate Updated?		
<b>Housing Services Inspection</b>		
		Tick

Issues considered:	Amount of items in property	
	Where best to dry clothes	
	Wiping moisture and mould	
	Tumble drier	
	Other	
Advice given:		
Actions and date for delivery (ADC)		

Actions and date for delivery (Tenant)	
Property Inspection Log Updated?	

# Damp and Mould Procedure





ADUR DISTRICT  
COUNCIL

**ADUR HOMES**

# **Asbestos Management Plan**

**Adopted:**

**Review Date: March 2024**

# **CONTENTS**

## **Management Plan Overview**

- 1. Survey Types**
- 2. Survey Outcomes**
- 3. Working On Acm's**
- 4. Upkeep And Sharing Of Information**
- 5. Customer Communication**
- 6. Training And Contract Procurement**
- 7. Audit And Control Measures**
- 8. List Of Appendices**

## **ASBESTOS MANAGEMENT PLAN**

### **Adur District Council (ADC)**

<b>Version History</b>					
<b>version</b>	<b>Approved By</b>	<b>Version Date</b>	<b>Next Review Date</b>	<b>Description of Change</b>	<b>Author</b>
1	R Hunns	01/10/2021	October 2022		R Hunns/ P Smith
2	J Seaton	09/02/2023	February 2023	Updated appendices	J Seaton/ P Smith

### **MANAGEMENT PLAN OVERVIEW**

The Control of Asbestos Regulations 2012 requires all duty holders as a part of their ongoing asbestos management to have a written Asbestos Management Plan (*this document*).

The Asbestos Management plan details Adur District Councils (Homes), approach to living and working with Asbestos containing materials (ACM's) and the actions required by employees, contractors and customers. The processes detailed within this Asbestos management plan will include:

1. Survey Requirements
  - 1.1. Survey Types
  - 1.2. Survey Strategy
2. Survey Outcomes
  - 2.1. Managing Asbestos in Situ
  - 2.2. Removals and encapsulation
3. Working on ACM's.
  - 3.1. Delivery Methods
  - 3.2. Non Licensed Removal
  - 3.3. Licensed and Non licensed notifiable removal
4. Upkeep and sharing of information
5. Customer Communication
6. Training and procurement requirements
7. Audit and Control Measures

The Adur Homes estate comprises properties owned/managed by Adur Homes, and AWC Temporary Housing Stock.

There is approximately around:

- 261 Common areas within buildings built prior to the year 2000 which fall under CAR2012 Duty 4 'Duty to manage'
- 2452 prior to the year 2000
- 1500 domestic dwellings which will be surveyed in accordance with HSG264
- 1000 Garage Sites which fall under CAR2012 Regulation4 'Duty to Manage'

The general management principles will be applied

- In accordance with ADC's duty under regulation 4 of CAR 2012 to manage asbestos in Non domestic premises, AWC will instruct a competent UKAS accredited Asbestos Management Consultant to undertake management surveys on domestic properties built prior to the year 2000.
- ADC has a duty under regulation 4 of the Control of Asbestos Regulations 2012 to manage asbestos in non-domestic premises. Adur and Worthing Council will therefore instruct a competent UKAS accredited Asbestos Management Consultant to re-inspect all known ACM's within non-domestic properties periodically.
- In accordance with best practice and HSG 264 (The Surveyors Guide) ADC will survey its domestic dwellings built prior to the year 2000, which will be carried out in line with the Control of Asbestos Regulations 2012. This will be carried out by a competent UKAS accredited Asbestos Management Consultant. ADC recognises that it does not hold survey data for all of its domestic properties and seeks to achieve this by the survey strategy detailed within section 1.2.2
- ADC has decided to adopt a proactive approach in relation to management of asbestos within domestic properties. All properties that were built prior to 2000 potentially contain asbestos products, and are to be included within the Asbestos Management re-inspection programme. This will be carried out by a competent UKAS accredited Asbestos Management Consultant.
- ADC will carry out targeted Refurbishment and Demolition surveys on planned maintenance on both domestic and non domestic properties built prior to 2000, irrespective of the outcome of the management survey
- Any ACM identified as damaged will be actioned within an appropriate timescale based on risk.
- Generally only those materials likely to pose a serious risk to health or are likely to be disturbed as identified as high risk ACMs, will be removed subject to the reports supplied

This document is intended to be read in conjunction with the supporting procedural documents. Where services cross over between the building services team and the corporate estates the relevant management plans should be read.

- Building Services Management Plan
- Corporate Estate Management Plan

## **1. SURVEY REQUIREMENTS**

Adur District Council (Homes) will ensure that the following principles will be applied:

1. Surveys are to be undertaken in line with the guidance set out within HSG 264 – Asbestos the Survey Guide.
2. Surveys are to be undertaken by a contractor/operative who has the correct level of competency to carry out the role. They must have the appropriate skills, knowledge, qualifications, training and experience. Only approved UKAS 17020 accredited contractors will be used.
3. Samples taken should be processed in line with ISO17025

## **1.1 Survey Types**

### **1.1.1 Management survey**

A Management survey is the standard survey. Its purpose is to locate, as far as is reasonably practicable, the presence and extent of any suspect ACM's in the building which could be damaged or disturbed during normal occupation, including forceable maintenance and installation, and to assess their condition.

This is a systematic survey of the premises in which all areas which can be assessed without causing damage. This will include internal and external areas. All suspected materials are sampled for laboratory analysis or can be presumed to contain asbestos where the surveyor deems the evidence sufficient to do so.

This survey type is non intrusive and may well have areas and rooms which cannot be accessed or are not safe to sample (such as electrical back boards) and therefore these will be identified as 'no access' and presumed asbestos until such time as it is disproved by a physical survey.

Management surveys can be undertaken during normal occupation and use of buildings/premises.

Where asbestos has been identified this will be recorded and the action required for the asbestos will be determined by

- The condition
- The location
- The type
- The likelihood of damage
- The severity of the risk if damaged.

These actions will then be fed into an overall programme of management and/or a programme of works.

### **1.1.2 Refurbishment Surveys**

#### Unoccupied properties

This is a systematic survey of the premises in which all areas are accessed. The survey may be targeted, in which case a particular area is identified such as the kitchen.

This type of survey is a fully intrusive survey involving destructive inspections to open up concealed areas (e.g boxing around services)

Within this fully intrusive survey all relevant areas will be accessed and there should be no 'no access' areas remaining within the agreed survey parameters.

Where refurbishment works are to be carried out to a specific area of the property (e.g kitchen), this type of survey will only be required to these specific areas.

#### Occupied Properties

Where minor refurbishment works are being undertaken, for example a new kitchen, without the removal of walls/ceilings etc. The survey would only apply to the room in which the work is affecting.

The survey will still take the same principles as an unoccupied premises but additional measures will be put in place to isolate the survey area, remove furnishings as far as

reasonably practicable, and protect areas using sheeting. The survey area must be free from tenants/non authorised people at the time of the survey.

The surveyed area must be shown to be fit for reoccupation before the area is allowed to be occupied again. This is through the form of visual inspections and issuing of a Certificate of Cleanliness. If significant destruction has taken place, an additional air reassurance test certificate will be required. However, it is likely that the tenant will be decanted if any works requiring significant destruction are to be implemented.

### **1.1.3 Demolition surveys**

These take a similar form to the unoccupied property refurbishment survey, however the scope of the survey will be wider spread.

## **1.2 Survey Strategy**

ADC will adopt the general principles of surveying:

- Properties built prior to the year 2000 will be surveyed.
- Cloned data may be used where there is high confidence which has been demonstrated through extensive surveying across similar property archetypes where asbestos is located.
- Where access is not available or practicable at the time of the survey, 'no access' will be determined on the asbestos report
  - Adur Homes will provide access to all previously non-accessed areas and limited access areas at the next asbestos reinspection visit / review to ensure that a thorough inspection can be completed.
- Where access is not available or practicable at the time of survey, and there is sufficient information to suggest there is ACM located within this area, it will be noted as 'presumed'.

### **1.2.2 Domestic Dwellings**

- ADC recognises the need to obtain Management surveys for its domestic dwellings. In order to deliver a comprehensive suite of information Adur Homes will:
  - Survey a representative sample by archetypes. The representative sample will depend on the variability of housing stock. A proportion should be surveyed until the results demonstrate as far as reasonably practicable that there is consistency in the range of ACM's in the property type.
  - Reviewing previous survey Data and prioritising other properties within a site where high risk asbestos has been identified.
  - Identifying where future works are planned and factoring these into the management survey programme.
- Where a localised R&D survey has been specified but the property has no management survey, a management survey will be instructed for the remaining part of the premises outside of the scope of works.

- A check for asbestos records will be made as soon as a property is void. If no management survey is available, or the management survey on file is over 5 years old, a new management survey is to be obtained immediately as part of the void process. The survey will be recorded on Alpha Tracker and a new asbestos management plan will be produced and made available.

The contractor will be supplied with, and refer to the asbestos register within the management plan once supplied. The contractor will then, prior to any works commencing, review any asbestos identified in the management plan, and ensure that any ACM identified is inspected to ensure it has not been disturbed, or in a state of decay and hazardous. Any ACM which is suspect shall be reported immediately to the voids manager and or AH property improvement team (asbestos coordinator) for follow up action. Any asbestos remedial work may thereafter be co-ordinated and/or ordered by the voids surveyor in consultation with the asbestos coordinator.

- When carrying out capital works such as kitchens, an appropriate sample of R&D surveys across each archetype will be undertaken. The survey quantity will be determined by the asbestos variation, a proportion (suggest initially 70%) should be surveyed until the results demonstrate as far as is reasonably practicable that there is constituency in the range of ACM's in the property type and an accurate picture of asbestos presence. Where major discrepancies are identified within the same archetype, further surveys will be carried out.
- Disabled Facilities Grants/Adaptations will also adhere to AH policy and management plan.

### **1.2.3 No Asbestos survey data**

ADC recognises that it is yet to obtain a full record of its ACM's across its full portfolio of domestic dwellings. This impacts on the requirements to undertake responsive repairs within domestic dwellings.

Contractors must ensure that the asbestos portal is checked prior to undertaking any work. Where no asbestos information or survey report exists, any planned/cyclical works or licensed and notifiable non-licensed work will be postponed until an appropriate survey has been commissioned, completed and reviewed.

Where minor responsive repairs (non licensed asbestos works) are required the contractor can review ADC's asbestos register to review properties with similar archetypes, age, location and construction to summarise the location and type of any ACM's that may be present. For example other flats within the same block, or other houses within the same street, with the same age of build and archetype (3 bed semi). On the basis of this information Asbestos should be presumed present in accordance with the archetypal data reviewed.

The contractors (Building Services Team) will proceed with the works if the works are Non-Licensed Asbestos Works and fit into the agreed Safe Systems of Work defined within the Building Services Team Asbestos Procedures documents as follows:-

- Drilling into Textured Coatings / Asbestos Cement
- Ceiling and Wall Repairs - Textured Coating / Asbestos Cement
- Over boarding Textured Coatings / Asbestos Cement Ceilings or Walls
- Removal and repair of small areas of asbestos containing floor tiles and coverings
- Removal of carpets fixed to asbestos containing floor tiles and coverings
- Removing / Replacing Flash Guards and Fuse Linings

- Working on Electrical Boards containing Asbestos Cement
- Removing / Replacing Cisterns
- Removing / Replacing Sink Pads
- Replacing or Repairing Asbestos Cement Guttering, Soil Stacks, etc..
- Cleaning out Asbestos Cement Gutters
- Painting undamaged Asbestos Cement Soffits and Fascia's
- Fly Tipping / Loose Sheet Removal

These works must be undertaken in line with Asbestos Procedures and Plan of Works and following their own dynamic risk assessment process. All presumed ACM must be managed in accordance with the contractor's safe system of work until such time as proven otherwise through a completed survey data.

Any Asbestos Insulating Board (AIB) or Friable ACM falling outside of the above list when presumed or known asbestos is present or suspected, must be undertaken by a Licensed Asbestos Removal Contractor or Approved Non-Licensed Contractor.

#### **1.2.4 Emergency Surveys**

ADC recognises where works are deemed as urgent it may not be feasible to carry out the survey process in time. ADC have tried to mitigate this risk by ensuring that within their Asbestos consultancy contract there is an ability to commission emergency surveys. These surveys periods are:

- within 2 hours
- within 24 hours
- a 5 day period

Appendix C, Emergency Survey Details describes the contractor, attendance types & times.

#### **1.2.5 Emergency Action**

Where structural or building fabric damage occurs, i.e. from fire, collapses of ceiling from water ingress or when a general finding is made where the internals of the building have been disturbed (broken up), and with the potential of an ACM fibre release, a new Management Survey + R&D report of the affected area(s) should be instructed as a priority using the emergency surveys procedure in this section.

- On discovery and before access by council staff or other 3rd party contractors is permitted, the area / property will be locked down until it is confirmed that the premises are ACM clear, and recovery actions taken using the emergency procedures as guidance.

Once the emergency survey is delivered, this survey shall be reviewed by the asbestos coordinator and asbestos consultant. If positive ACM's have been detected, emergency actions shall be taken to clear & negate the ACM contamination potential by Licenced Asbestos Removal Contractors (LARC).

## **2. SURVEY OUTCOMES**

ADC's current strategy is based on a preferred approach to manage low/medium risk ACM in situ whilst removing ACM which poses a high risk (higher risk materials are those that are friable, and can easily release asbestos fibres if disturbed).

The surveyor will determine the recommended action as part of their survey process. In general the surveyor will determine the course of action by reviewing the Priority and Material assessment score.

### Material Assessment

This is an assessment of the type and condition of ACM's or presumed ACM's, and their ability to release fibres if disturbed. The scoring mechanism for this looks at aspects of the ACM such as, Its Type (Chrysotile, Amosite, Crocidolite), Its condition (damaged contained etc), its ease to release fibres, Its surface treatment.

### Priority Assessment

This is an assessment on the likelihood of the ACM actually being disturbed and exposing asbestos fibres. For there to be a risk to health it is not enough for it to be damaged or friable, but also needs to be disturbed and get into the air we breathe. The priority assessment therefore considers the normal occupation/activity within the area, the likelihood of disturbance and so on.

*\*Any presumed ACM's will be managed accordingly until proven otherwise*

Where asbestos is left in situ, the Asbestos Consultant (surveyor) will label the location of ACMs in the non-customer facing/service areas only to help provide a warning to contractors undertaking any works in the area.

### Reviewing the Survey

Upon receipt of the survey ADC will review the Material, Priority and overall risk rating provided by the surveying contractor, as well as the recommended actions. Priority actions will be dealt with in accordance with the survey timescales. Any recommended works at a low/medium risk will be programmed.

Where it is felt that the surveyor misinterpreted the occupation/activity within the area, the asbestos coordinator will refer this back to the contract surveyor to reassess the priority assessment score and determine a more suitable course of action.

### Refurbishment Surveys

Upon receipt of the survey the project manager for that premises/project will review the survey and determine the best course of action for any ACM's identified. The Asbestos coordinator should also be made aware of any high/medium risk materials identified.

If ACM's are to be removed then the asbestos coordinator must be informed prior to the removal to ensure records are kept of the removal and the asbestos register updated accordingly.

### High Priority Asbestos Removals (as indicated in survey reports)

High priority removals will be progressed by the appropriate department who raised the survey. These removals will be confirmed to the asbestos coordinator immediately for assistance in the planning of, and recording of the removal.

Responsibility for any remedial works on ACM's identified will be the responsibility of the following:

- Communal Areas = Property Improvement Team
- Garages = Property Improvement Team
- Voids = Voids Team
- General Maintenance & Responsive Repair = Maintenance Surveyors / Building Services
- Capital programs = Contract Administrator for the Program
- Disabled Adaptations = Maintenance Team

## **2.2 Re-inspection Surveys**

Any ACM identified or suspected will be required to be reinspected at a regular interval to ensure the condition has not changed, deteriorated or been damaged in any way.

### **2.2.1 Non Domestic Property**

Non Domestic properties will be reinspected on an annual basis in accordance with ACOP L143 'Managing and working with Asbestos' and HSG 264 'The survey guide'. This will include:

- All Internal communal areas
- All external areas of flats
- Garage Sites

### **2.2.2 Domestic Dwellings**

At present Adur Homes does not hold full survey data for all of its domestic Dwellings. Where Adur Homes does hold management surveys they will commit to the following action:

- Re-inspect dwellings where original surveys identified remedial works with immediate effect to ensure this work was completed. This action is to be completed by August 2023.
- Identify a rolling 5 year programme of reinspections, prioritising properties that have not been subjected to the void process within the last 5 years.
- As new management surveys are completed these will fall into the 5 year re-inspection regime.
- Where properties have a management survey, these will be re-inspected as part of the void process. This will effectively reset the reinspection life cycle.

These actions have been determined based on a risk/financial basis and will need to be reviewed as part of the annual review of the management plan.

## **3. WORKING ON ACM's**

There is the potential for Asbestos to be damaged through various activities

- Routine maintenance
- Void inspections
- Monitoring surveys
- Contact from resident

The works required to ACM will fall into 4 categories

- Licensed asbestos removal
- Non-Licensed Asbestos removal
- Notifiable non licensed
- Remedial works to damaged Asbestos (encapsulation)

The following guidance is to be referred to for any asbestos works.

- HSG 210 – Asbestos essentials task manual for Non-Licensed Works
- HSG 247 – The Licensed Contractors Guide
- The Hazardous Waste (England and Wales) Regulations 2005

- ACOP L143 Managing and working with Asbestos

### **3.1 Delivery Methods**

ADC wishes to separate out its asbestos consultancy works and the asbestos remedial/removals/encapsulation works.

ADC's intention is to have a long term contract agreement with a licensed contractor to undertake any removal, encapsulation and repair works to asbestos. This contractor will have gone through a vigorous procurement exercise where insurance certificates, licences, H&S policies, risk assessment and training records will have been reviewed to ensure the contractor is competent.

A separate contract for asbestos consultancy services will also include an air monitoring function, which allows for a independent air clearance certificate to be issued when required on carrying out work to ACM's

ADC's Building Services team will only carry out works to Non-Licensed, Non-Notifiable Asbestos, all other work will be carried out by the approved procured contractor.

All licensed and notifiable non-licensed works identified either through Building services or ADC (homes) will be issued to the approved appointed contractor.

### **3.2 Non Licensed Works**

Once the Asbestos project and Building Services Management Plan has been completed non Licensed works via responsive repairs and voids will in most cases be carried out by Adur Councils Building Services team.

Under these arrangements, where non licensed works are identified on the Asbestos surveys, this will be carried out by the asbestos contractor as a programme of work using the same plan of work principles as documented in Licensed and Notifiable Works..

Disposal of asbestos waste will be in accordance with Hazardous Waste Regulations 2005

### **3.3 Licensed and Notifiable Non-Licensed works**

Where licensed remedial works have been identified to ACM, a works order will be raised to the licensed contractor in line with a priority timescale allocated against it.

The scope and nature of the work will be determined along with access arrangements, duration, and impact on tenant/s and visitors to the site. A plan of work will be provided to Adur Homes by the contractor and will include the following:

- Site address
- Identification of the type, content and condition of ACM
- Nature of work to be undertaken
- how the work will be controlled
- Method statement
- measures employed to prevent/reduce the risk of exposure of those working on ACM
- Measure to prevent the spread of asbestos fibres during works
- Details of RPE/PPE to be used
- Control measures for operative safe access and egress
- Measures and procedures for the safe handling, transporting and disposal of asbestos waste
- Procedures to ensure the work area is clean, fit and safe for re-occupation

- Emergency procedures

The Plan of Work will be approved by the project lead and the asbestos coordinator, and any other risks, decant requirements, utility cap offs, duration and any specific requirements to complete the work will be discussed.

The licensed contractor will notify the work to the HSE before commencement of any work. This notification must allow for 14 days prior to commencement of works.

When the work is non-licensed but notifiable, the contractor will notify the HSE before commencement of any work, but there is no notification period associated with these works.

The contractor will liaise with the Asbestos consultancy contractor to provide a third party UKAS accredited analyst to provide the following services:

- Provide background monitoring to ensure the level of fibres released are within the control limits
- Provide air reassurance certification to show the site has been left clean and safe.

Disposal of asbestos waste will be in accordance with Hazardous Waste Regulations 2005.

ADC will randomly audit the contractor and request Waste transfer and Waste Consignment notices to confirm compliance with the Hazardous Waste Regulations 2005.

## **4. UPKEEP AND SHARING OF INFORMATION**

In line with regulation 4 (Duty to Manage) and Regulation 5 (Identification of Asbestos) of the CAR 2012, CDM 2015, Adur Homes will provide information on the location of ACM within our premises to anyone who is likely to work on or disturb them, via the provision of a detailed survey report and or the Site Asbestos Management Plan available from the Alpha Tracker Software.

This Site Asbestos Management Plan sets out the:

- Blueprint for compliance with all relevant Health and Safety legislation regarding asbestos for this Site.
- Asbestos management systems and procedures for the Site
- Process for reviewing available survey information
- Previously non - accessed and limited access areas from previous asbestos inspections and surveys.
- Emergency procedures to be followed in the event of an asbestos incident / disturbance event.
- Roles and responsibilities of key personnel in the safe management of asbestos.

The Site Asbestos Management Plan is for use by:

- The Premises Manager / Any persons Managing the Building
- All employees working in the Site
- All suppliers attending the Site
- The Emergency Services

### **4.1 Instructing Contractors**

The instruction will be sent directly to contractors (on all repair orders) alerting them of the requirement to check the asbestos register and directing them to the Councils corporate asbestos management system Alpha Tracker.

If the contractor does not have access to Alpha Tracker, a copy of the appropriate survey will be sent along with the request for repair.

Where a management survey does not exist, the process in section 1.2.3 will be applied.

## **4.2 Alpha Tracker**

Alpha Tracker (by Start Software) is the primary way in which asbestos information is shared within the Portfolio. As asbestos information is acquired it is uploaded onto the Alpha Tracker System to ensure it is available to all to view.

AWC will ensure all approved contractors who work regularly on Adur Homes stock will receive training and access the asbestos portal to locate and identify any ACM present.

In-house training on use of the Alpha Tracker will be provided to ensure that all interested parties are able to interrogate the information and find the information they require. This training will be provided to key staff members, managers and primary contractors.

## **4.3 Asbestos Coordinator**

Adur Homes have identified within the roles and responsibilities section within the Adur and Worthing Council Asbestos Management Policy an Asbestos Coordinator. This role will be responsible for ensuring that:

- Changes in legislation / regulations and best practice are considered to influence changes to policy and procedures
- Responsible for the validation of data on the Asbestos Register
- Advise the Health and Safety Team of any uncontrolled disturbance of asbestos which should be reported to safety and resilience through an incident form on T100
- Checking a random sample of surveys and ensuring the survey information and any other relevant documentation has been uploaded to the asbestos register
- Responsible for the validation of data on the Asbestos Register
- The Asbestos Coordinator is responsible for ensuring that Alpha Tracker is kept up to date. Alpha Tracker is available to any relevant staff / contractors, in particular to any employees who carry out maintenance activities, those who order contracted works and those who may disturb asbestos bearing materials during the course of their work.

## **5. CUSTOMER COMMUNICATION**

ADC recognises that it has a duty to inform tenants of any potential harm in relation to ACM. In order to inform tenants the following methods will be adopted:

- Annual asbestos awareness article within newsletter;
- Tenant information at sign up of new tenancies, tenants handbook; Targeted communications as required or as a consequence of events; An example can be found in appendix A.
- Prior to a tenant starting DIY work which will interfere with the fabric and/or services of a property, tenants will be required to seek advanced permission from Adur Homes. Before issuing permission, the tenant and leasehold alterations

procedure [these are currently under review and once completed will be attached to this document] will need to be followed to ensure that if any ACM's are identified within the proposed work zone, appropriate consultation with the tenant/leaseholder has been issued.

- Where the asbestos data is inconclusive (e.g. where a Refurbishment Survey has not been carried out), Adur Homes will review the request and decide whether to refuse permission or to arrange for a Refurbishment Survey to be carried out.
- In the event that tenants' works are liable to disturb ACM's, Adur Homes 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 Adur Homes
- Where access to undertake a survey is denied, ADC will commence its 'no access' procedure to ensure access is gained. [these are currently under review and once completed will be attached to this document]

## **6. Training and Contract Procurement**

Adur Homes will ensure that:

- Asbestos Removal and Asbestos Air Monitoring is to be appointed separately by Adur and Worthing Councils and Adur Homes to maintain impartiality and integrity.
- AWC will ensure that its contractors undertake the relevant training with its employees, and this is regularly reviewed and reinforced via tall box talks and other methods of communication.
- AWC will ensure via procurement methods that the contractors are suitably competent to manage asbestos.
- All contractors that work across the portfolio and have the potential to disturb asbestos during their routine activities must demonstrate asbestos awareness training is in place or undertake asbestos awareness training prior to conducting any works.

### **6.1 Staff Training**

Adur Homes commits to the following Training requirements:

- All incoming staff will receive an overview on the introduction to asbestos as part of their mandatory induction process.
- Awareness training followed by annual refresher training is to be undertaken by all those with the potential to disturb asbestos during their routine activities. This refers to all staff within Adur Homes.
- Asbestos Management Training is to be undertaken by all those that manage works involving/potentially involving asbestos and senior management team, this will include:
  - A brief introduction explaining what asbestos is, and the hazards associated with it, etc.
  - A brief summary of the information held by Adur & Worthing Councils and Adur Homes and how to gain access to it
  - A brief summary of products likely to contain asbestos and where they are likely to be found.
  - The types of activities which are prohibited, areas which are controlled access, etc.
  - The main legislative requirements, in particular Regulation 4, of the Control of Asbestos Regulations 2012.

- How to continue the everyday running of the sites should any planned asbestos works take place.

All training provided will be recorded and a certificate of attendance issued. A training matrix is set out below

## **6.2 Training Matrix**

<b>Role</b>	<b>Training Required</b>	<b>Frequency</b>
Chief Executive, director and head of service	Asbestos Awareness Training	Upon induction and Annual Refresher
Asset Manager	Asbestos Management Training	Upon Induction and Annual Refresher
Fire Safety Manager	Asbestos Management Training	Upon Induction and Annual Refresher
Compliance and Fire Safety Officer (Asbestos Coordinator)	P405 and Asbestos Management Training	Upon Induction and Annual Refresher and any change in legislation
Maintenance and estate Surveyors	Asbestos Management Training	Upon Induction and Annual Refresher
All other Staff	Asbestos Awareness Training	Upon induction and Annual Refresher

## **7. AUDIT AND CONTROL MEASURES**

In order to ensure staff and contractors are operating in a safe manner Adur Homes will implement the following:

- An overarching asbestos coordinator to ensure a consistent approach to the management of asbestos
- Effective contract management of the Asbestos Consultancy Contractor and the Asbestos repairs/removal contract ensuring regular performance review meetings are held.
- Audit a representative sample of the contractors risk assessment process when working with asbestos.
- Incident reports, ensuring that findings are reviewed and where changes required are implemented.
- Post inspection of 100% of licensed removal works.
- Post inspection of 10% of Non- licensed removal works carried out by Building services
- Post Inspections of 10% of Non- licensed (including non licensed notifiable) removal works carried out by the approved contractor.

## **7.1 Exposure and Incident Reporting**

Whilst information (to tenants and staff) and training (to staff) is provided to prevent the exposure to asbestos containing materials in our premises, there may be circumstances where exposure is still possible, or exposure has occurred, or is constantly occurring. Instances of exposure events not being reported by tenants are to be expected due to the age of the properties within Adur District Council housing stock.

Procedures and processes are published to reduce the potential of exposure incidents and risks from asbestos becoming a risk to tenants and staff. It is not practical to expect Adur Homes to prevent all exposure incidents. Exposure responses will need to be balanced and risk based. If an asbestos material is disturbed deliberately or accidentally, the response should be proportionate to the risk posed, e.g:

- High risk (friable) materials will be dealt with as a high priority and will usually require immediate action and ultimately clearance and removal.
- Medium to Low risk materials will be cleaned up and cleared under controlled conditions depending on the ACM involved, and
- Low to very low materials may be managed in situ depending on the disturbance levels, and possibly programmed into responsive maintenance programs.

*A **hazard** is something that can cause harm, a **risk** is the chance (high, medium or low) that any hazard will actually cause somebody harm.*

*Context statement:*

*An ACM (asbestos which is low in % content) and bound within a matrix (which is in good condition so is unlikely to release fibres - non-friable) and contains white asbestos (serpentine - chrysotile fibres) can be regarded as low or very low risk.*

*A wet / saturated ACM = ceiling textured coating, which has been disturbed due to water damage, is not likely to have released fibres due to it being saturated (which is a control method for that product during works or removal operations) so again low risk.*

If exposure/potential exposure is identified during any works (including works undertaken by the tenant) the following actions will be taken.

- All reported incidents will be reported to the Asbestos Coordinator or P405 officer and if required the reporting form on T100 completed.
- An investigation process will be undertaken by the Asbestos Coordinator, The Health and Safety Department and where required the appointed Asbestos Consultant.
- Where required, the Insurers and Directors will be informed.

The outcome of the investigation will be shared with the Asset Manager and any other involved stakeholder. Any outcomes will be implemented by the Asbestos Coordinator and monitored.

### **Staff Exposure**

The procedure as above will be followed. Where Staff have been involved within the exposure incident, these records will be collated to detail the exact nature and known extent of any exposure to asbestos that has occurred.

- The records should be retained for a minimum of 40 years from the date of exposure.

These records will be treated as confidential to each member of staff and be kept in a controlled location. Each employee will have access to their own records upon request.

These records will be held by the HR Department. Copies will also be held within individuals' personnel files.

### Resident Exposure

Where residents have been exposed the H&S Department will investigate and record the exact nature, and extent of any exposure to asbestos.

These investigation records will be treated as confidential to each resident and be kept in a controlled location.

### Fly tipped material

When fly-tipped material is reported, questions will be asked to try and establish the contents of the fly-tipping. If there is a possibility that the contents contains possible asbestos containing material the following actions will be carried out:

- The area will be made secure and signage displayed to ensure no further trespassing or exposure takes place
- Within 1 working day of the reported fly tipping, arrangements shall be made for an assessment of the fly-tipped material, this will determine if the material is likely to contain asbestos
- If the material is likely/confirmed to contain asbestos, arrangements will be made locally by Building Services to remove small amounts of low risk ACM's positively identified, or instruct the appointed asbestos removal contractor to remove the fly tipping and treat the whole of the fly tipping as contaminated material
- The contractor or Building Services will provide the consignment notice to ensure waste was disposed of in accordance with Hazardous Waste Regulations 2005. Confirm this consignment notice to the AH asbestos coordinator without delay

## **7.3 Management Plan Review**

The asbestos management plan will be reviewed every 12 months to ensure it is effectively controlling risks and to allow for continuous improvements.

The monitoring arrangements of the management plan will include the following:

- The level of information provided in the asbestos register and how it is being updated and delivered
- The condition of ACM's left in situ and the adequacy and frequency of the re inspections
- The provision of information to those who need it, and how this is managed and communicated
- The effectiveness of the procedures for the management of working with asbestos
- The effectiveness and relevance of the training provided
- The recording of incidents, accidents, and their outcomes

## **8.0 List of Appendices**

Appendix A. Tenants Asbestos Information (confirmed in tenancy Sign-up pack)	<a href="#">View document</a>
Appendix B. Asbestos Survey Review Process	<a href="#">View document</a>
Appendix C. Emergency Survey Details describes the attendance types & times (Environtec)	<a href="#">View document</a>
Appendix D. Asbestos Survey Appointment Letter (Environtec)	<a href="#">View document</a>
Appendix E Permission to enter letter (Environtec)	<a href="#">View Document</a>
Appendix F. Removal appointment letter (from contractor to tenant) <b>TBC with Aspect PS to check and confirm.</b>	<a href="#">View Document</a>
Appendix G. Permission to enter letter (Aspect)	<a href="#">View Document</a>
Appendix H. T100 Form to request a Refurbishment & Demolition (+ Management Survey if no management survey exists)	<a href="#">View Document</a>
Appendix I. T100 Form to request a Management Survey	<a href="#">View Document</a>
Appendix J. T100 Asbestos Removals Requests (to the removal contractor Aspect)	<a href="#">View Document</a>
Appendix K. T100 Asbestos NLW - Minor Works Requests (to the removal contractor Aspect)	<a href="#">View Document</a>

Appendix L. Asbestos Survey Review Process (PIT Asbestos Team review)	<a href="#">View Document</a>
Appendix M. HSE Asbestos Essentials Task Sheets	<a href="#">View Document</a>
Appendix N. T100 Form - LICENSED REMOVAL or REMEDIATION - ON SITE AUDIT	<a href="#">View Document</a>
Appendix O. Asbestos Survey Contractors Details	<a href="#">View Document</a>
Appendix P. Asbestos Removal Contractors Details	<a href="#">View Document</a>



ADUR DISTRICT  
COUNCIL

**Adur Homes**

**Interim Electrical Safety  
Policy and Procedure**

**Adopted:**

**Review Date: March 2024**

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# 1. Introduction

## 1.1 Overview

This policy aims to demonstrate that Adur District Council (ADC) takes all reasonable and practical steps to eliminate, minimise and manage risks of electrical hazards to its customer and properties and to ensure that ADC meets all its obligations in respect of electrical safety, in particular with regards to the British Standard and the Guidance Notes, in dwellings owned and managed by ADC

Adur Homes will ensure that over the next 12 months a specific electrical contract is in place, in accordance with best practice, which provides adequate provision for suitably qualified and accredited electrical contractors to manage all aspects of the delivery of electrical testing, repairs, upgrades and the provision of new installations.

Adur Homes is committed to ensuring that tenants' and leaseholders' homes remain safe and fit for purpose. In achieving this Adur Homes will comply with all relevant legislation and regulations. Adur Homes recognises this process will take 3 to 5 years following the appointment of a suitable contractor to ensure all homes and communal spaces have a current EICR.

## 1.2 Scope

This policy covers all electrical installations located within dwellings and communal areas of stock owned and managed by ADC.

An electrical installation is made up of all the fixed electrical wiring and equipment that is supplied beyond the electric meter of a property. It includes the cables that are usually hidden in the fabric of the building (walls, floors and ceilings), accessories (sockets, switches and light fittings), and the consumer unit (fuse box) that contains all the fuses, circuit-breakers and residual current devices (RCDs).

This policy covers repair, upgrading, testing and inspection of all electrical installations. All electrical repairs, upgrades and renewals will be categorised to ensure that the correct levels of priority are given.

The Council will take specific account of any health and safety requirements during the prioritisation process for these works.

The policy also covers any portable equipment owned by the Council that is used to provide services or is located in the communal areas of buildings. Electrical systems will be repaired, renewed, upgraded and tested in accordance with industry guidance and manufacturers' recommendations.

Typical installations and systems covered include:

- Domestic electrical installation.
- Communal landlord installations.
- Emergency lighting systems.
- Fixed fire or carbon monoxide alarm installations.
- Door entry systems.
- Electric heating systems (including conventional and sustainable heating systems, i.e. air source heat pumps).
- Portable equipment owned by Adur Homes
- TV aerial Systems

### **1.3 Related Policies, Procedures and Guidance**

The Adur Homes Asbestos Management Plan should be read in conjunction with this document. In addition, once completed and available the reference should also be made to the Contractor Health and Safety Policy, Access procedure, Tenants Handbook and Recharge Policy

## **2.0 Policy Statement of Intent**

### **2.1 Aim**

This policy aims to ensure Adur Homes meets its obligations as a landlord and seeks to provide assurance that electrical safety is adequately managed, ensuring the safety of our tenants, leaseholders, and the general public.

2.2 The main objectives aims of this policy are to:

- Set out a clear approach for the maintenance and upgrading of electrical installations.
- Ensure a prompt, efficient and cost-effective electrical repair, servicing, and inspection service.
- Ensure legal compliance and promote good practice.
- Ensure remedial works are carried out within appropriate timescales so that homes remain safe and electrical installations are maintained to a high standard.
- Outline a comprehensive electrical inspection and monitoring system.
- Ensure adequate records and quality monitoring systems are implemented.
- Ensure only competent persons undertake electrical works.
- Ensure our contractors hold suitable asbestos qualifications and are capable of carrying out non-licenced works

### **2.2 Legislation and Regulatory Framework**

Section 11 of the Landlord and Tenant Act 1985 implies an absolute and non-excludable obligation upon landlords to keep in good repair and proper working order the installations in the property including electrical installations.

Electrical hazards are also covered under the Housing, Health and Safety Rating System (HHSRS), Housing Act 2004. The regulations define electrical hazards as; electricity, flames and hot surfaces, fire and explosions.

The Government currently has the Social Housing (Regulation) Bill before parliament, the purpose of this Bill is to require Local Authority and social Landlords to carry out an Electrical Installation Condition Report within all dwellings, every 5 years

Relevant regulations applied are:

- Management of Health & Safety at Work Regulations 2006.
- Health & Safety at Work Act 1974. • Housing Act 2004.
- Housing Health and Safety Rating System (HHSRS).
- Electricity at Work Regulations 1989.
- Electrical Installation Regulations BS 7671 (as amended) 2018.
- IET Guidance Notes - 18th Edition.
- BS:7671:2018 Requirements for Electrical Installations
- Building Regulations Part P

## **3.0 Objectives and Service Standards**

### **3.1 Fixed Electrical Installations & Equipment - Testing & Inspection**

Only appropriately skilled and competent persons will carry out electrical inspection and testing. A person shall be deemed skilled to carry out the appropriate inspection and testing only if they have sufficient qualification, knowledge and experience.

The Council will ensure that all our homes and communal installations are tested in accordance with the Institute of Engineering Technology (IET) Regulation statutory timescales.

The council will ensure that a test is carried out prior to the re- letting of our properties and a certificate will be issued as part of the tenancy pack.

The Council will also carry out Electrical Installation Condition Reports (EICR) testing on all properties that are subject to particular types of improvement works where electrical circuits are affected and a suitable minor works or Part P certification will be supplied.

The Council recognises its current position around a lack of previous testing regimes and certification The Council will therefore ensure:

- All properties will have an in date and satisfactory certificate by the end of 2026.
- Following this, 20% of the stock is to be completed per annum to allow for a 5 year program of re testing.

- The electrical engineer will determine any amendments to the frequency of inspection and testing by completing the EICR.
- These amendments will be appropriately held on a suitable data system to ensure these are programmed correctly
- All new installations shall be provided with an Electrical Installation Certificate complete with a schedule of inspections and test results.
- Suitable procedures are in place to manage defects identified through the testing and inspections.

### **3.2 Portable Appliance Testing**

All portable electrical equipment owned / managed by Adur Homes to provide services or located in communal areas will be subject to an annual portable appliance test (PAT).

Appropriate labeling of equipment and recording of all equipment will be undertaken in accordance with The Electricity at Work Regulations 1989 (EAWR) and Electrical Equipment (Safety) Regulations 2016.

The Mobility Scooters in Adur Homes's Policy defines the requirements regarding the PAT testing of tenants' own mobility scooters. Over the next 12 months Adur Homes will put in place processes to monitor and control to ensure full compliance.

Over the next 12 months Adur Homes will seek to utilise T100 to log all mobility scooters and operational teams will review the register annually and complete checklists to ascertain the storage location, condition and evidence of testing. Performance information will be shared internally and with the relevant committee meeting.

Adur Homes may also engage a third-party audit to check for errors in both condition reports provided and to check the quality of work undertaken on site.

### **3.3 TV aerial**

Adur Homes have a number of communal TV aerial systems which will be Inspected as part of the communal EICR

In addition to the communal EICR, an ongoing planned maintenance and servicing regime will be delivered on an annual basis.

All TV aerial installations should be fixed wiring, the council recognises that it has a number of systems which are not installed through fixed wiring, and is working on a program to resolve these.

### **3.4 Protection**

Buildings and electrical installations can be protected from the effects of lightning strike and voltage transients on the electrical system caused by lightning by a lightning protection system consisting of lightning conductors and the bonding of external metalwork to lightning conductors. The function of a lightning protection system is to discharge the lightning strike directly to earth.

Once a lightning protection system is installed, it must be professionally tested at least once a year to ensure it is capable of conducting a potential lightning strike to a safe earthing point. This ensures compliance with the Electricity at Work Act 1989 and BS EN 62305.

Adur Homes will undertake a review over the next 24 months to ensure that lightning risks are evaluated, and lightning protection systems are installed and maintained as appropriate.

### **3.5 Car Charging**

The UK government's new EV charging requirements came into force in England as of June 2022, as part of an overhaul of the country's Building Regulations: Every new home, including those created from a change of use, with associated parking must have an EV chargepoint.

As the council increases its development program, there is a requirement to ensure the correct provisions are in place for maintaining safe EV charging points.

- EV charging point circuit will be tested and inspected periodically in accordance with the latest version of BS7671
- Guidance on initial verification and periodic *inspection and testing* is given in the *IET Guidance Note3: Inspecting and Testing* and, upon completion of the required tests, either an Electrical Installation Test Report or an Electrical Installation Condition Report should be issued.
- All charging points must be equipped with suitable protective devices which, in the event of a fault materialising, operate to remove the potential of electric shock, damage to a vehicle (or it's batteries) or fire.
- During estate inspections charging points should be visually inspected and noted for any defects/vandalism. This must be reported appropriately.

### **3.6 PV, MVHR, Solar**

#### Solar and photovoltaic Panels

IEC 62446 recommends that periodic verification of an existing installation shall be performed.

The standard defines the minimum requirements for system documentation, commissioning tests and inspection for PV systems.

A periodic verification report shall be provided and include a list of any faults and recommendations for repairs or improvements (such as upgrading a system to meet current standards).

Having clean, well maintained, solar panels will help them work to their maximum capabilities and also make them look a lot nicer on your roof! In addition, your feed-in-tariff payments will improve over time and hopefully the benefits you get from installing the system will increase. This means that with regular maintenance, your solar panels will:

- Perform at their best, maintaining their optimal service performance
- Last even longer
- Be a better long-term investment, with better financial returns

### Mechanical Ventilation Heat Recovery Units (MVHR)

When building a new property it is important to comply with requirements in building regulations for installation, inspection, testing, commissioning and provision of information when installing fixed ventilations systems in your new and existing property. Approved Documents provide guidance on how to meet these building regulations.

For an existing dwelling, any building work (adding a room, replacing parts of a ventilation system) should meet the relevant standards of ADF. Where any energy efficiency standards are to be carried out in a dwelling, PAS 2035 is considered an adequate means of demonstrating compliance for meeting the F1 requirement for existing dwellings: *There shall be adequate means of ventilation provided for people in the building.*

Building **Regulations** Approved Document F covers the building **requirements** of ventilation and the different types of ventilation.

It is recommended that MVHR systems are serviced yearly to make sure everything is clean and working as it should be.

The maintenance of the system is mostly low-tech house-keeping and can be done with your annual spring clean:

- Check all filters and replace if necessary
- Remove any dust on your room terminals
- Check external terminals for dust and blockages.
- Clean heat exchangers

## 4. Roles & Responsibilities

### 4.1 Council Roles and Responsibilities

Role	Responsibility
Chief Executive	Has overall responsibility for the Electrical Safety
Asset Manager (to be assigned) Head Of Service	<ul style="list-style-type: none"> <li>● Ensure implementation of the Electrical Safety policy and management plan</li> <li>● Responsible overall for the electrical safety policy, procedure guide and the management plan.</li> <li>● Overall responsibility for legislative compliance.</li> </ul>
Planned Investment Manager (role does not exist at present)	<ul style="list-style-type: none"> <li>● Has delegated responsibility for Electrical safety management on a day to day basis.</li> <li>● Responsible for operational processes in terms of overall contract delivery.</li> <li>● Responsible for overall contractor performance management.</li> <li>● Responsible for advising on legislation and electrical policy principles</li> <li>● Development and setting of annual planned process budgets</li> </ul>
Planned Surveyor	<ul style="list-style-type: none"> <li>● Responsible for operational processes in terms of overall contract delivery.</li> <li>● Responsible for overall contractor performance management.</li> <li>● Responsible for advising on legislation and Electrical Safety policy principles</li> <li>● Development and setting of annual planned process budgets</li> </ul>

	<ul style="list-style-type: none"> <li>● Attend/lead joint Contract management meetings with the electrical safety contractor.</li> </ul>
Employees	<p>All employees, irrespective of their position shall:</p> <ul style="list-style-type: none"> <li>● Take reasonable care for their own health and safety and that of other persons who may be adversely affected by electrical works, including members of the public, tenants, visitors and contractors.</li> <li>● Co-operate as appropriate with other staff and agencies to ensure compliance with this policy and all other legal requirements.</li> <li>● Halt works that constitute a serious risk to health and safety.</li> <li>● Report any concerns that they may have in relation to the management of electrical compliance and electrical safety.</li> </ul>
Contractor	<ul style="list-style-type: none"> <li>● Responsible for meeting with all the legislative requirements for the work they are undertaking</li> <li>● Halt works that constitute a serious risk to health and safety.</li> <li>● Report any concerns that they may have in relation to the management of electrical compliance and electrical safety</li> <li>● Take reasonable care for their own health and safety and that of other persons who may be adversely affected by electrical works, including members of the public, tenants, visitors and contractors.</li> <li>● Coordinate and cooperate with Adur Homes in the management of electrical installations and any contract requirements</li> <li>● Act as the council's advisor around the legal requirements surrounding electrical safety.</li> </ul>

## 4.2 Tenants and Leaseholders' Responsibilities

### 4.2.1 Tenants Responsibilities

Under the terms of their Tenancy Agreement tenants must allow access to their

property for maintenance and/ or safety checks to be conducted.

Where tenants carry out property alterations and improvements, which include additions/alterations to the electrics, they should seek authorisation prior to any works being undertaken. If works are approved, tenants are responsible for ensuring appropriate safety checks are carried out and all relevant certificates are supplied following the works/installation. Tenants are also responsible for meeting the cost of this. Any defective or unauthorised works needing rectification may incur a recharge. If any installation has been undertaken without Adur Homes 's permission, and is found to be defective, the supply may be terminated and residents will be recharged to make it safe again.

The tenant must ensure that they:

- Allow access to enable the landlord fixed periodic electrical safety check and where applicable PAT testing of appliances to be undertaken
- Immediately reporting any concerns with electrical safety including wiring, sockets or switches, turning off electrical appliances if they suspect a hazardous situation and keeping them turned off until checks have been carried out by a competent person
- Report to Adur Homes any faults they have, or suspect, with their or the communal fixed electrical installation systems
- Do not tamper with any portable appliances supplied by Adur Homes
- Do not undertake, arrange or allow work on electrical installations without Adur Homes express permission.
- Be responsible for finding out what their obligations are and maintaining their own appliances in a safe order and good state of repair at their own cost
- Operate appliances in a safe manner and in accordance with manufacturer's instructions

It is expected that during the testing tenants will ensure:

- Any action in relation to saving electronic files i.e., IT-related software, programmes or other electronic storage is taken prior to the commencement of the work.
- Any contingency arrangements arising from the absence of electrical supplies are highlighted and agreed in advance of works.
- Appropriate access and relocation/removal of any obstacles will need to be undertaken (in situations where the tenant is unable to manage support will be agreed). The emptying and storage of freezers/ fridges etc.

#### **4.2.2 Leaseholders and shared owners**

Typically, these groups do not fall directly under Adur Homes' responsibility for ensuring electrical safety, as the responsibility for this remains with the leaseholder or shared owner.

The leaseholder and shared owners must ensure that they:

- Maintain a safe electrical supply within their home, ensuring that the systems are tested, inspected and managed in accordance with the required regulations.
- Report to Adur Homes any faults they have, or suspect, within the communal areas fixed electrical installation systems
- Be responsible for finding out what their obligations are and maintaining their own appliances in a safe order and good state of repair at their own cost
- Operate appliances within their home in a safe manner and in accordance with manufacturer's instructions

#### **4.2.3 The Councils Responsibility**

In undertaking our duties, the Council will ensure that General Needs and Sheltered Tenants are aware of their responsibilities by providing information through our tenancy handbook, website and through direct correspondence with our residents.

The council will ensure regular communication with tenants to inform them of how they can maintain a safe electrical system.

### **4.3 Contractor's**

When undertaking any electrical installation works, the contractor will also be required to conform in full with the requirements of this policy.

#### Contractor Procurement

Adur Homes will ensure that over the next 12 months a specific Electrical contract is in place, in accordance with best practice, which provides adequate provision for suitably qualified and accredited electrical contractors to manage all aspects of the delivery of electrical testing, repairs, upgrades and the provision of new installations.

All appointed electrical contractors shall be registered with the NICEIC, ECA, NAPIT or other accredited body and shall be registered under a recognised Domestic Installer Self-certification Scheme in compliance with Part P of the Building Regulations.

#### Asbestos

The Council recognises its current position around data held on ACM located within its properties. Please refer to the **Asbestos Management plan** for further details on the surveying strategy

The Council requires all contractors working within our homes have:

- Undertaken formal asbestos training within 3 years of the works and that it is annually refreshed.

- Competent and fully trained operatives
- Any Non-Licensed asbestos works undertaken will be by a contractor who has the relevant training, equipment, insurance and procedures in place to undertake these works

## 5.0 Operational Management

### 5.1 Management of Defects

On completion of a periodic test, certification will be issued. The documents shall be suitably completed and comply with the appropriate regulations. This document will make recommendations which will be reviewed by a competent person and the necessary remedial works prioritised accordingly.

The Council will manage the recommendations in the following manner:

- Code C1: Where a real and immediate danger is observed that puts the safety of those using the installation at risk. The contractor will, if within the pre agreed financial limit, remedy the deficiency. For items falling outside of the pre-agreed financial limit the contractor will contact the Contract Administrator and verbal permission (backed up with a written record) will be provided (followed by suitable written confirmation) to proceed with the action to remedy the deficiency.
- Code C2: An observed deficiency not considered to be dangerous at the time of inspection but would become a real and immediate danger if a fault or other foreseeable event was to occur. The contractor will, if within the pre agreed financial limit, remedy the deficiency. For items falling outside of the pre-agreed financial limit the contractor will contact the Contract Administrator and verbal permission (backed up with a written record) will be provided (followed by suitable written confirmation) to proceed with the action to remedy the deficiency.
- Code C3: Used to indicate that, whilst an observed deficiency is not considered to be a source of immediate or potential danger, improvement would contribute to an enhancement of the safety of the electrical installation. Where recommendations relate to observations only (i.e. C3), these will be monitored through subsequent inspection and testing. Electrical works identified on certification are recorded on a suitable data system and will be used to create planned programs of improvements.
- Code F1: “Further investigation required without delay”. The contractor will advise of these in accordance with our specification.

## 5.2 Data Management

## 5.3 Contractor Management

We will regularly review and monitor the qualifications of all contractors' employees delivering works to ensure that only appropriately trained and skilled employees are engaged on these works.

## 5.4 Monitoring

Adur Homes aims to review this policy in three years or sooner if needed to ensure it reflects current legislation and latest examples of best practice.

13.2 Technical Services will monitor contractor performance (KPIs) and any complaints from residents.

# 6.0 Communication and Access Management

Every effort will be made to arrange a convenient time and date with the tenant for access to complete the works in accordance with the **Council Access Procedure**.

## 6.1 Communication and access

The Council will write to residents who are due (within the next 3 months) to have an electrical condition inspection (EICR) carried out. Adur home will provide the following information to residents:

- Name and contact details of the contractor completing the inspection
- Information on the nature of the inspection and what possible works will be carried out following the inspection
- Frequently asked questions leaflet

The contractor will confirm in writing any appointments with residents (including any rearranged or canceled appointments) made by telephone using the standard letters in appendix A.

If the contractor is unable to reach a resident by telephone after 3 documented attempts they will send a standard letter to the resident asking them to make contact to book in their electrical condition inspection.

If there is still no response from the resident following the 'no contact letter' the contractor must write again providing a date and time for the electrical condition inspection to be carried out. This must give the resident a minimum of 2 weeks notice and the opportunity to contact

the contractor and rearrange the inspection. The contractor will attend the written appointment whether they have received confirmation from the resident or not.

A copy of any letters sent to residents must be stored in the shared Google Drive folder allocated to the contractor. The letter can be sent by email if this is agreed with the resident at the time of the call.

If the EICR is unsatisfactory and further remedial work is required, the contractor must write to the tenant advising of the additional works required and providing a copy of the frequently asked questions for rewires and electrical works.

## **6.2 Refusals and non access**

The Council will ensure that there are 3 documented access attempts made when attempting to undertake essential electrical inspections, tests and follow up remedial works. The first attempt will be made by the Council's contractor the second and third in conjunction with Adur Homes.

- Adequate notice will be given to the tenant before each attempt
- Information will be provided on why it is important to allow access
- We will explain what will happen if access is not permitted

An agreed set of standard letters will be used to inform tenants of their responsibilities and provide information on why the inspection, test or remedial works is necessary. See appendix A.

If a tenant fails to provide access or refuses the works and the contractor has made a documented access attempt, the contractor will refer the refusal or non access case back to the Council.

Two further written attempts will be made, that will provide a detailed explanation on the reason the works are necessary and information on how the works are to be carried out, in line with the procedure. The tenant will be invited to discuss their concerns with a named individual. See appendix A.

Tenants who continue to refuse access for either an Electrical Condition inspection or for the remedial works following an electrical condition inspection will be referred to their Tenancy Management team once the above procedure has been exhausted. The tenancy Management team will review the case, arrange to visit the property to assess the condition and discuss the residents' concerns. The final option will be enforcement through the tenancy agreement, and a referral to Legal Services to seek an injunction for access to the property.

The tenancy conditions state:

### 23. Access to Your Home

*You must allow Council Officers, contractors or other authorised representatives to gain access in order to inspect, service or repair gas installations, or other emergencies. If access is prevented the Council will force entry and you will be charged the cost of doing so. In cases of an emergency or suspected emergency the Council will force entry to the property.*

This does not apply to standard television aerials. You must obtain any other permissions or consents required separately. For Health and Safety reasons, the Council does not allow anything other than a doormat to be placed in the communal parts of flats. You must also obtain any other permissions or consents separately e.g. planning permission.

Normally, you will be given at least 24 hours notice except in an emergency. You should always ask any Council representative to produce official identification before permitting entry to your property and if you are uncertain as to any cases of an emergency or suspected emergency the Council will force entry to the property.

### 24. The Council must:

- *Carry out the repairs and maintenance that it is required to do by law.*
- *Keep in repair and proper working order: The installations for the supply of water, gas, electricity and sanitation*

Tenants who miss two pre arranged appointments for the works may be recharged the cost of the abortive visits. This will be decided by Adur Homes depending on the reason for the two missed appointments.

## **6.3 Property condition concerns**

In some cases the electrical contractors may refer a property back to the Council where the condition of the property means the contractor's operatives can not safely complete the statutory work required. The contractor must provide Adur Homes with the reasons they are unable to complete the works, what they have done to date and the details of the outstanding works along with its urgency.

Any referral in relation to the property condition will be passed on to the Tenancy Management team to arrange to visit the property and review the conditions. The Tenancy Management team will work with the tenant to bring the property back to an acceptable condition as quickly as possible to allow the statutory inspection and works to proceed.

If the Tenancy Management team is unable to work with the tenant to resolve the issues and there is a breach of tenancy conditions a referral to the Legal Services team will be made.



ADUR DISTRICT  
COUNCIL

**Adur Homes**

**Interim Adur Homes Gas Safety  
Arrangements and Procedures**

**Adopted:**

**Review Date: March 2024**

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## **Adur Homes Gas Safety Arrangements and Procedures**

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Operational procedures

# Adur Homes Gas Safety Arrangements and Procedures

## 1. Introduction

These Adur Homes and Gas Safety arrangements and procedures are set within the required compliance with both the corporate Gas Safety policy and other relevant Adur & Worthing Council policies and procedures and should be read in conjunction with them. These procedures and arrangements apply to:

- Adur & Worthing (A&W) employees;
- Interim and temporary staff;
- Residents;
- Consultants working directly for A&W through an agency;
- Contractors to A&W

Contractors, consultants and others working on the organisation's premises will be expected to comply with the A&W Housing Gas Safety policy and procedures and all relevant statutory provisions, Approved Codes of Practice (ACoPs), such as ACOP L56 Safety in the installation and use of gas systems and appliances, (which gives practical advice and guidance on the Gas Safety ( Installation and Use) Regulations), Gas Safety (Installation and Use) Regulations 1998 as amended, and relevant guidance.

We will, wherever necessary, work with our contractors to assist them in developing Gas Safety procedures within their own organisations to help them achieve the standards required by A&W, although the responsibility for doing so remains entirely theirs.

## 2. Landlord responsibilities

A&W have duties as a landlord to ensure that gas appliances and flues provided for tenants' use in residential property are installed and maintained in a safe condition. A&W are required to perform an annual safety check, which must be undertaken by a Gas Safe registered engineer, on each appliance and flue.

The Council is responsible for the following: -

- Arranging for a gas safety check to be carried out any time from 10-12 months after the last check, without affecting the original check expiry date. If it is less than 10 or more than 12 months after the last check, the property will end up with a new deadline date - 12 months from the most recent check.
- Ensuring that all gas appliances (in the Council's ownership) flues and gas installation pipework are maintained in a safe condition. This also applies to the safe fitting of gas installations in new build properties as well as the replacement of installations through planned or reactive maintenance work.

- Giving a copy of the landlord's Safety Certificate to the tenants within 28 days of the safety check.
- Ensuring that all new tenants, and mutual exchange tenant transfers, are given a copy of the Safety Certificate prior to occupation of the property.
- Ensuring that any work carried out on the Council's behalf is carried out by a Gas Safe Engineer

### **3. Gas Servicing Regime**

This process is a guide to ensure gas compliance, each property within this procedure should be taken on a case by case basis, ensuring that liaison with the Tenancy Services team commences at the earliest opportunity and sustains throughout the process.

At due date minus 86-45 days (due to contract this is currently 62 days prior to overdue) the contractor sends a 1st appointment letter (a week from the date of the letter) and makes the 1st scheduled visit.

If access is not obtained, 2 further letters will be sent with appointments to the customer before handing back to Adur Homes to resolve. This will be done on roughly day 70 and day 55, currently due to contract this is done in weekly increments after the initial letter.

On each "no access" visit, the Contractor will leave a card for the customer confirming the date and time they attended and requesting the customer to make an appointment (Date stamped photo taken and be made available and provided to Adur Homes as requested).

The contractor will attempt to contact the customer via all available contact details including letters, emails, telephone calls and text messages. They will also make contact via any known relatives, support workers or external agencies in which the tenancy team provides.

When the second letter is issued by the contractor, they will inform Adur Homes that they have received no response. This is to be done by a weekly report issued to Adur Homes by the contractor.

After 3 attempts by the contractor, the contractor will pass the property back to Adur Homes along with the relevant evidence for Adur Homes to commence legal proceedings.

The Contractor is to report any suspected abandonments to Adur Homes immediately.

Throughout this process, Adur Homes will attempt to contact the customer via all available contact details including letters, emails, telephone calls and text messages. They will also make contact via any known relatives, support workers or external agencies.

### **No Response - 1st Letter**

At due date minus 45 - 30 days ( to be issued after 2 no access attempts by contractor)

Upon receipt of the no accesses from the gas contractor the Technical Assistant will commence the first stage of Adur Homes Process for gaining entry.

At This stage a coordinated approach to gaining access will be required by the Technical Assistant and the Tenancy Services team. The Technical Assistant will check the system to identify any obvious issues in gaining access, i.e requires communication in a different formal, property void, tenant deceased etc.

This will be logged on the No access tracking sheet, with comments of actions already completed by the Technical Assistant.

The Technical Assistant will also refer to Tenancy Services team. At this stage the Tenancy Services Team will undertake a review of the tenant to identify any other potential vulnerabilities, potential sublet, abandonment and additional support the tenant may require, they will also carry out a home visit. This will be logged on the No access tracking sheet.

The Technical Assistant will generate the 1st legal letter which will be delivered by post to the property by the Technical Assistant.

If an appointment has been agreed then this will be detailed within the letter

### **No Response - 2nd letter (following 3rd access attempt by contractor)**

If no response is received within 7 days, the case will be discussed with the Technical Assistant and Tenancy Services Team who will determine the best course of action, this could be

- Cap Gas supply (External Meters)
- Gain Access via a lock change

The agreed course of action will be logged on the No access tracking sheet and agreed by both the Technical Assistant and the Tenancy Services Team.

A 2nd letter will be generated by the Technical Assistant which will be delivered by post to the property by the Technical Assistant.

If an appointment has been agreed then this will be detailed within the letter

### **No Response - 3rd Letter**

*At Due date minus 20 days (currently 1 week after the second letter and no response)*

Following further consultation with the Tenancy Services Team, The Technical Assistant will produce an access request letter which will be hand delivered by the Tenancy Services team giving the customer notice of Adur Homes intention to gain access via a lock change or Cap the Gas supply unless the annual gas safety check is completed within 7 days.

If an appointment is agreed with the tenant, This appointment must be within the date of compliance (and within the 7 days notice). The Technical Assistant will send out an appointment confirmation letter. The letter will make it clear that failure to keep to the appointment will result in an immediate referral to court for access.

If no appointment is made/or kept within 7 days the technical assistant will coordinate a meeting between the relevant Tenancy Services Team member, the Housing Enforcement Team and the Contracts Manager to review the case and agree to proceed to seek via the court a warrant for entry.

The Housing Enforcement team will coordinate the final stage of the process

#### **4. No Access: Gaining Access/Capping the Gas**

On the appointment date, A council representative (to be determined case by case) will attend at the property with the gas contractor, for forced entry with the locksmith as well.

Where access is being obtained, If access is not given, the lock will be changed and entry gained. The annual gas safety check will be completed or the gas meter capped for safety. If the customer is not present, a sticker will be placed on the door asking the customer to contact Adur Homes urgently and confirming how they can obtain the new keys.

**Capping Gas is a last resort** - If the Gas is being capped, The gas engineer will ensure that the gas is capped safely, and If the customer is not present, a sticker will be placed on the door asking the customer to contact Adur Homes urgently and confirming how they can obtain the new keys. If the tenant is present a letter will be signed by the tenant stating their understanding of what has happened.

#### **Follow Up Action**

Where Gas supplies have been capped it is vital that ongoing liaison between the Tenancy Services Team, the tenant and the Technical Assistance continues to ensure that a gas supply is reinstated as soon as possible. Any Gas supplies capped should be logged against the property, so a report can be issued to the Tenancy Services Team.

No Access persistent offenders will need to be logged against the property this way engagement in the future can be handled earlier to allow for access without the requirement for legal action.

## **5. Tenant Owned Appliances**

Tenants may choose to improve their homes but must seek written permission from the Council. If permission is refused the Council will provide the tenant with a reason. During the annual gas service tenants' own appliances will be visually checked for safety but not serviced. If the residents own appliance is found to be faulty, it will be isolated by the gas contractor, and the resident notified. A record is to be made of this.

Tenants are not permitted to replace/make alterations to the Council owned boilers.

Further work on condemned appliances is being undertaken and will be added to this policy.

## **6. Carcasses**

Carcasses will be checked on an annual basis in-line with the Landlord Gas Safety Record. Tenants will permit the Gas Servicing Contractor access to the property to undertake this inspection in the same way as the gas safety checks.

## **7. Communal**

Communal boilers are serviced and maintained on an annual basis. At the same time the Landlord Gas Safety Record is completed.

## **8. Breakdown, Repairs and Maintenance**

The Council has through its Gas Contractor a 24-hour, year-round, breakdown service to allow for breakdowns or malfunctions of Council owned appliance or system.

The comprehensive service shall include the provision of all parts, component parts, pipework and other items that may be necessary to affect any repair to any Council owned appliance type or system together.

## **9. Reporting under RIDDOR**

Certain gas related incidents also need to be reported under RIDDOR. These are incidents that have caused fatal or major injuries, for example unconsciousness or the need for hospitalisation for more than 24 hours, to gas consumers. The death or injury may be as a result of either the acute symptoms of carbon monoxide poisoning or the effects of gas escapes and any associated fires or explosions.

## **10. Audit Process**

A&W commissions an independent audit of gas servicing by a Gas Safe registered consultant to ensure that the quality of works meets both our statutory requirements and best practice. This will be carried out on a sample basis of completed works to domestic installations and of communal boiler installations.

## 11. Confidentiality, Safeguarding and Equality Duty

Under the Data Protection Act 2018 (GDPR) and the Human Rights Act 1998 all personal and sensitive information, however received, is treated as confidential. Officers will ensure that they only involve other agencies and share information with the consent of the tenant or leaseholder concerned unless required to by law, or where the information is necessary for the protection of children and/or vulnerable adults in accordance with A&W's Safeguarding policy. A&W is committed to fulfilling its Public Sector Equality Duty.

## 12. Responsibilities

Under the Corporate Manslaughter and Corporate Homicide Act 2008 an organisation can be found guilty of corporate manslaughter in situations where there has been a collective failure leading to a gross breach of the duty of care. If an incident occurs that leads to injury or death those making decisions within an organisation will be under significant scrutiny. This will include senior managers and elected members. It is therefore important that managers and members are familiar with the council's obligations and that they monitor the delivery of this policy.

While the responsibility for Gas Safety within A&W ultimately remains with the Chief Executive, the delegated responsibility for the delivery of Gas Safety within domestic properties owned and or managed by A&W is with the Corporate Head of Housing.

## 13. Organisation

**Members** are responsible through the committee structure for ensuring that adequate resources are made available for the Council to meet its statutory obligations and must consider any reasonable request for resources needed to ensure Gas Safety in the Council's housing properties is suitable and sufficient.

The **Chief Executive** is deemed to be the duty holder within the organisation and is ultimately responsible for ensuring the implementation of the policy at all levels within the Council.

The **Head of Housing** is the responsible person for provision of adequate resources to meet the requirements of the Gas Safety (Installation and Use) Regulations 1998 and any other relevant regulations and guidance within Housing by ensuring:

- Systems are properly assigned and accepted.
- That sufficient financial resources are available for the implementation and administration of this policy and associated management systems.
- That the responsibility for the implementation of and compliance with Gas Safety is relevant and in line with all current legislation and guidance.
- The Council's policies and management system are complied with and properly assigned, understood, and actioned by their staff

**The nominated deputy** is responsible for the implementation of the policy within Council owned and Council managed stock and the provision of adequate resources to meet the requirements of this policy. They must also ensure a coordinated approach to policy compliance through the servicing, maintenance, and management of properties:

### **Policy Implementation**

- Ensuring that the gas safety awareness training programme for staff is followed and suitable records retained.
- Liaising with consultants, other members of staff and enforcement officers over Gas Safety matters.
- Ensuring that any contractors (including contract or agency staff) taken on are competent
- Ensuring that contractors are adequately assessing and managing gas in relation to maintenance, servicing, major works, and improvements.
- Ensuring that incidents are reported to A&W in accordance with A&W policy and procedure.
- Ensuring that contractors/ consultants report all RIDDOR reportable incidents to the HSE and informing the Compliance Manager as soon as possible.
- Investigating Gas Safety incidents related to activities undertaken by the contractors or consultants and providing suitable reports in line with A&W procedures.
- Ensuring that contractors or consultants identify the Gas Safety training needs of their staff and fulfil; them accordingly.
- Ensuring communication and co-operation with contractors or consultants as appropriate to implement this policy
- Ensuring that all employees of contractors or consultants are responsible for the reporting to their manager and or most appropriate or named person of any Gas Safety matter of a serious nature or one which may pose immediate danger to any person, or has resulted in injury, in a timely manner.

### **Ensuring Compliance**

- Ensuring that all planned maintenance activities and contractors carrying out work in any housing stock are adequately monitored and controlled.
- Ensuring each property is maintained and has a gas safety check carried out every 12 months, as far as is reasonably practicable.
- Ensuring a competent appropriately qualified independent gas auditor carries out quality monitoring of contractors who implement gas servicing, safety and repairs and provides regular reports to the Compliance Manager.
- Providing advice on Gas Safety.
- Supporting implementation of the A&W Gas Safety Policy
- Advising and developing appropriate policies and procedures to provide A&W with necessary guidance for achieving compliance with legislative requirements
- Reporting to the organisation any actions relating to gas safety taken by enforcement agencies, both formal and informal, and monitoring progress made by A&W in complying with those actions.

- Monitoring gas safety incidents within Housing where staff, residents or visitors are involved.
- Monitoring reporting of gas safety RIDDOR incidents to the HSE
- Ensuring that adequate arrangements are made to provide appropriate gas safety awareness training at all levels
- Will ensure the Gas Safety Policy is kept up to date as per legislative and or good practice changes.
- Ensure all changes are communicated to all staff involved in the gas process, providing information or training where necessary.

The **housing management team** are responsible for:

- Being aware of the importance of their role in the gas safety process.
- Ensuring they are aware of the gas safety policy and procedures and adhering to them as appropriate.
- Reporting any dangerous/potentially dangerous incidents relating to gas to the relevant nominated deputy and Corporate Health and Safety Advisor.

The Housing Services Manager is responsible for the dissemination of any gas safety information relevant to property, either generic or specific, at the time of letting that property. If these responsibilities are delegated to another member of staff, then that person must be deemed competent through the completion of appropriate training or briefings. The Housing Service Managers are responsible for:

- Encouraging all their team members to be gas safety conscious.
- Ensuring that the Gas Safety Policy is distributed and communicated to all members of their teams.
- Supporting their staff and providing guidance on how to respond to any reported concerns to ensure they are monitored, reviewed and that appropriate action is taken.
- Ensuring their staff manage their premises and equipment in a safe way.
- Liaising with consultants, enforcement officers and other member of staff about gas safety matters and ensuring their staff notify the Compliance Manager of any such visits.

The **Gas Contractor** is responsible for:

- Identifying any gas risks prior to undertaking any repair or maintenance.
- Being aware of the importance of their role in the gas safety process
- Following the procedures and processes to try to identify any problematic access/safety issues as soon as possible.
- Appropriately and accurately record what action they have taken at each step of the process as per the procedures.
- Ensuring all Gas Engineers are competent and registered with Gas Safe
- Registration and quality monitoring and training reviews are undertaken by the contractor.

The **Independent Gas Auditor** is responsible for:

- Ensuring competent and appropriately qualified independent external auditor carries out a quality monitoring work of contractors, who implement the gas servicing, safety, and repairs, and providing reports for the nominated deputy.

#### **14. Monitoring, Training and Review**

The Head of Housing is responsible for the auditing of the Gas Safety Policy to ensure compliance through these procedures and arrangements. The nominated deputy is responsible for the regular review and management of the delivery of the outputs resulting from the Landlord gas safety records (LGSR's) relating to the housing stock.

The nominated deputy is also responsible for ensuring that all 'urgent' remedial works identified through the LGSR's, or through the audit inspection processes, are completed in a timely fashion to ensure compliance.

Reviews of individual training requirements, including gas safety, will form part of the regular appraisal process. New members of staff will receive gas safety training as part of their induction, and it will be the responsibility of the relevant line manager to ensure the delivery of this is relevant to the position held.

The Nominated deputy is responsible for ensuring all staff with premises management responsibility receive detailed and specific gas safety training. The training will include awareness of the hazards associated with gas, relevant legislation, requirements for Landlord gas safety inspections and the Gas safety policy and procedures.

These procedures and arrangements, as part of the corporate Gas Safety Policy will be subject to periodic audit and reviewed as necessary through the authorised process to ensure that the procedures relating to Gas Safety are kept up to date and relevant. The procedures will be made accessible to all staff and to all other interested parties on request.

#### **Operational procedures**

Operational procedures for how Adur Homes will implement the above Gas Policy are being reviewed and developed and will be added to this document once completed.



ADUR DISTRICT  
COUNCIL

**Adur Homes**

# **Interim Lift Maintenance Policy & Management Plan**

**Adopted:**

**Review Date: March 2024**

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## **Adur Homes Lift Maintenance Policy**

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**Appendix 1** - Hydraulic Maintenance Procedure

**Appendix 2** - Traction Maintenance Procedure

**Appendix 3 and 4** - Servicing regime.

## **1. Introduction**

**1.1** The Council has a duty of care under the Health & Safety at Work Act to protect its tenants, employees, contractors and visitors from harm when using lift equipment within Council buildings.

**1.2** The Council also has specific responsibilities under the Lifting Operations and Lifting Equipment Regulations (LOLER) and Provision and Use of Work Equipment Regulations (PUWER) to ensure that all passenger lifts, stair lifts and other lifting equipment are; properly installed, serviced, maintained, thoroughly inspected and tested at the appropriate intervals, and that adequate records are kept and retained.

**1.3** This Policy and Management Plan will specifically cover Adur Homes' responsibilities for the inspection, servicing and maintenance of passenger lifts, stair lifts and through floor lifts across Adur Homes's housing stock. Further work will be undertaken in the coming months to incorporate all lifting equipment, inclusive of stairlift and hoists, do you agree?

## **2. Aims and Objectives**

**2.1** The aim is to ensure that every Adur Homes building has safely operating lift systems for which it has a responsibility. In meeting this aim Adur Homes will:

- Ensure all powered lifts and associated equipment will be designed, installed, operated, maintained and serviced to protect all personnel from injury or any other damage arising from its use, as far as is reasonably practicable.
- Ensure suitable and sufficient risk assessments and safe systems for work are made available and that contractors are competent to undertake tasks involving lift maintenance.
- Ensure an efficient servicing and inspection scheduling regime of lift equipment is in place.
- Ensure repairs, remedial and refurbishment works are carried out within agreed timescales so that buildings remain safe and electrical installations are maintained to a required standard.
- Ensure the Lift Maintenance Contractor responds to any cases of entrapment within one hour.
- Ensure the Council complies with relevant statutory legislation and good practice.
- Ensure adequate records and quality monitoring systems are implemented.
- Ensure all residents are given sufficient notice of planned duration for works by letter drop to each property and displaying information in communal locations.

### **3. Legal and Regulatory Framework**

3.1 This policy is subject to, but not restricted to the following specific regulations, HSE's Approved Codes of Practice (ACOPS) and industry guidelines:

- Health and Safety at Work Act 1974 (HASAWA)
- Management of Health and Safety at Work Regulations 1999
- The Provision and Use of Work Equipment Regulations 1998 (PUWER)
- The Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)
- Lifts Regulations 2016
- The Safety Assessment Federation (SAFed) Guidelines
- HSE Guidance Note PM26 (safety at lift landings)
- HSE INDG339 – Thorough Examination and Testing of Lifts
- HSE INDG422 – Thorough Examination of Lifting Equipment
- HSE INDG290 – Lifting Equipment at Work
- Defective Premises Act 1972
- The Corporate Manslaughter and Corporate Homicide Act 2007

### **4. Key Roles and Responsibilities**

4.1 The Chief Executive with assistance from Directors, Assistant Directors, the Head of Housing and Service Managers are collectively responsible for ensuring the implementation and management for the inspection, servicing and maintenance of passenger lifts, stair lifts and through floor lifts across Adur Homes's housing stock

#### **4.2 The Chief Executive**

The Chief Executive has the ultimate responsibility and accountability at board level and is considered to be the 'Duty Holder. The Duty Holder will ensure all lift operations are in compliance with the relevant statutory requirements. The Chief Executive will appoint management personnel who are familiar with the contents of the LOLER and PUWER regulations, insofar as it is relevant to their roles and responsibilities.

#### **4.3 The Head of Housing**

The Head of Housing is responsible for service strategy and quality of services provided by Adur Homes. The Head of Housing also has overall budget responsibility for all lift servicing and to ensure adequate resources are made available to both develop and implement the maintenance programmes.

#### **4.4 The Asset Manager**

The Asset Manager is responsible for procurement, and selection of the Competent Lift Servicing and Maintenance Contractor to undertake works within Adur Homes

Housing stock. The Asset Manager is also responsible for service delivery, staff training and ensuring that the Lift Maintenance Policy and Management Plan continue to be robust and effective.

#### **4.5 The Compliance & Projects Manager**

The Compliance & Projects Manager is responsible for putting in place and monitoring arrangements to ensure that the systems and procedures outlined in this Policy and Management Plan are carried out. The Manager will monitor the Lift Maintenance Contractor performance and ensure compliance is achieved in all areas of the service.

#### **4.6 Surveyor (Compliance & Projects)**

The Surveyor will undertake the duties of the day-to-day management of Passenger Lift servicing, maintenance and refurbishment programme. The Surveyor will review servicing and examination reports supplied by the Lift Maintenance Contractor and Adur Homes's insurers and all remedial works to ensure lifts are safely maintained and kept in service.

#### **4.7 Surveyor**

The Surveyor will undertake the duties of the day-to-day management of Stair and Through Floor Lift repairs, servicing, maintenance and replacement programme. The Surveyor will review servicing and examination reports supplied by the Lift Maintenance Contractor and Adur Homes's insurers and action all remedial works to ensure lifts are safely maintained and kept in service.

#### **4.8 Lift Maintenance Contractors**

Adur Homes will employ suitably qualified contractors to act as the nominated competent persons. The Lift Maintenance Contractor must have sufficient technical and practical knowledge of the lift to be able to carry out repairs, servicing, inspections, maintenance and replacements. The Contractor will comply with the requirements of the Lift Maintenance Policy and Management Plan at all times including safety, access arrangements, security and data protection. The Contractor will adhere to all relevant legislation, guidance, best practice and provide evidence of compliance on request.

### **5. Policy Review**

5.1 This policy will be reviewed on an annual basis to ensure its continuing suitability, adequacy and effectiveness or as required by the introduction of new legislation or regulation that impacts on Adur Homes's obligations.

# Management Plan

## 6. Introduction

6.1 This Management Plan and set of procedures seek to ensure lift inspection, testing and maintenance are carried out within appropriate timescales and maintained to a high standard to ensure the Council's legal compliance.

6.2 Lifts will be immediately taken out of service if a serious or a significant defect is identified and only put back into service when the fault is rectified by the Lift Maintenance Contractor.

## 7. Safe Systems of Work

7.1 The Lift Maintenance Contractor with the assistance of the Competent Independent Assessor, will carry out risk assessments for all lift equipment installations.

7.2 Risk Assessments will provide control measures to maintain compliance with applicable standards, considering the general condition of lift equipment, servicing arrangements, operational usage, planned interventions, control systems, disability discrimination issues and risks to vulnerable passengers. Information gained from this exercise will be used in the preparation of an on-going plan for safety improvements, modernisation and servicing.

7.3 Lift Maintenance Contractors will operate in accordance with agreed safe working procedures whilst carrying out maintenance, servicing, testing or repair work. Specific safe operating procedures will be required for work activities involving:

- The lift motor room
- The lift and lift shaft
- The lift pit
- Working on car tops
- Hand winding
- Access control

The Lift Maintenance Contractors will operate a Permit to Work system for their maintenance staff as part of their safe working procedures.

## 8. Servicing & Preventative Maintenance Programme

8.1 The Provision and Use of Work Equipment Regulations 1998 (PUWER) requires a regular servicing and preventative maintenance programme of all lift equipment by a competent Lift Maintenance Contractor instructed by Adur Homes. Preventative maintenance involves replacing worn or damaged parts, topping up fluid levels and making routine adjustments.

### **8.2 Passenger Lifts**

The Lift Maintenance Contractor will carry out monthly servicing and maintenance to Lifts within Adur Homes housing stock. A draft servicing regime is illustrated in Appendix 1 (Hydraulic Maintenance Procedure) and Appendix 2 (Traction Maintenance Procedure) which are all completed over a twelve month period.

### **8.3 Stair & Through Floor Lifts**

The Lift Maintenance Contractor will carry out servicing to all stair lifts on an annual basis and through floor lifts six monthly. A draft servicing regime is illustrated in Appendix 3 and 4.

## **9. Thorough Examinations**

9.1 The Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) requires a programme of regular thorough examinations of all lifting equipment to be carried out by a Competent Independent Assessor appointed by the Duty Holder.

9.2 A thorough examination will include a systematic and detailed examination of the lift and its associated equipment by a competent person to the relevant guidance and standards. This may include some testing, if the competent person considers it to be necessary while taking into account where the equipment is used, frequency of use, age and condition.

9.3 Its aim is to detect any defects which are, or might become dangerous and for the competent person to report findings to the Surveyor. The Surveyor will authorise and arrange for appropriate remedial action to be carried out by the Lift Maintenance Contractor.

9.4 Thorough examinations should not be confused with servicing or maintenance, but provides evidence that the maintenance regime is effective.

A thorough **Examination for Passenger Lifts** will include the following:

- Landing, car doors and their interlocks
- Worm and other gearing
- Main drive system components
- Governors
- Safety gear

- Suspension ropes
- Suspension chains
- Overload detection services
- Electrical devices (including earthing, earth bonding, safety devices, selection of fuses etc.)
- Braking systems (including buffers and overspeed devices)
- Hydraulics

9.5 A thorough **Examination for Stair Lifts** will include the following:

- Security of lift to stairway
- Drive travel/unit
- Gearing, shafts and bearings
- Brake or sustaining device
- Guides
- Carriage and rollers
- Platform or seat including fittings
- Interlocks
- Safety gear or device
- Guards
- Electrical installation including wiring, systems, drives, controls and switches
- Alarm system
- Lubrication and fluid levels

9.6 A thorough **Examination for Through Floor Lifts** will include the following:

- Structure
- Arms and rollers
- Pivot pins
- Hydraulic cylinders and pipework
- Guarding
- Safety devices
- Clearances between operating arms and base structure
- Electrical installation including wiring, systems, drives, controls and switches
- Lubrication and fluid levels

The lists are not exhaustive and other components may be examined in accordance with the Safety Assessment Federation's (SAFed) Lift guidelines.

9.7 The law requires that all passenger lifts should be thoroughly examined:

- After substantial and significant changes have been made.
- At least every six months to ensure that health and safety conditions are maintained and that any deterioration can be detected and remedied in good time.

- Following 'exceptional circumstances' such as damage, failure of the lift, long periods out of use, or major change in operating conditions which is likely to affect the integrity of the equipment.

9.8 Stair and through floor lifts are installed in residential properties and are not classified by the HSE as a workplace, therefore The Lifting Operations and Lifting Equipment Regulations 1998 do not apply. However where possible Adur Homes will apply these regulations in order to achieve best practice.

## **10. Supplementary Lift Testing**

10.1 The Safety Assessment Federation (SAFed) provides guidance for supplementary lift testing inspections which are not statutory but recognised as good practice by the HSE who recommend their use. These are carried out in addition to the thorough examinations mentioned above.

10.2 Guidelines require that certain components are examined over and above a visual examination, at periodic intervals determined by the Competent Independent Assessor undertaking the statutory thorough examination. These are commonly known as LG tests (Lift Guidance), which are carried out for both hydraulic and traction lifts.

10.3 The frequency of the tests can vary from one to ten years depending on safety components or machinery used. However, the competent person may call for a supplementary lift test if they have a reason to do so, e.g. poor environmental Conditions.

10.4 The tests are undertaken by the Lift Maintenance Contractor, who will provide a Sufficient record of the test and corrective action if necessary to the Surveyor. The Surveyor will review findings, arrange and authorise appropriate remedial action to be carried out by the Lift Maintenance Contractor.

## **11. Passenger Lifts - Additional Checks**

11.1 In addition to regulatory requirements for passenger lifts and continuing best practice, there are certain checks which are carried out by Estate Management as part of their monthly building inspection. These include:

- A visual inspection of the lift car operating panel
- Checks to ensure all indicators are working correctly
- Ensuring that the alarm/communication system functions
- Checking that the lift doors open when the 'door open' button is selected.
- Check position indicators on the landing are working correctly.
- Check that all lighting is in working order

- Check all mechanical/electronic door protection devices (safety edge) such that:
  - When the safety edge is operated the door re-opens
  - After operation and removal of any obstruction the door closes
- Checking that the floor in the immediate vicinity of the landing door is in a clean and safe condition
- Check the landing doors and architraves ensuring there is nothing which can snag a passenger's clothing
- Clean door bottom tracks
- A full ascent and descent of lift to assess for any unusual noise.
- The list is not exhaustive and other items may be checked in accordance with each Location.

## **12. Emergency Release of Passengers from Immobilised Lifts**

12.1 It is preferable to leave emergency release operations to personnel with specialised knowledge of lifts, who will be able to determine the cause of immobilisation of the lift car. Where managers wish to release passengers prior to waiting for the Lift Maintenance Contractor or Emergency Services to arrive, they must ensure that staff in the host building are properly trained, authorised and instructed to do so.

12.2 In the event of any member of staff or the public being trapped, the following procedure will apply:

- By activating the emergency alarm within the lift, the Lift Maintenance Contractor will be alerted to the incident and attend the site within one hour.
- Alternatively where a call is received directly by Adur Homes, arrangements will be made for the Lift Maintenance Contractor to attend.
- The Lift Maintenance Contractor will notify Adur Homes of the incident and provide details of lift failures, remedial works required and completion of test to bring the lift back into service.
- Should the lift defect be such that it would likely endanger users, the lift must be taken out of service until the defects are remedied.
- The Corporate Health and Safety Advisor will be notified in order for the incident to be recorded for further investigation as required.

## **13. Lift Refurbishment & Replacements**

13.1 Passenger lifts, stair and through floor lifts will be refurbished on a programme based on records kept on Adur Homes's asset database and conditional reports

provided by the Lift Maintenance Contractor. The reports will provide information on components including age, usage, parts availability and history of repair costs.

13.2 Stair and through floor lifts requiring replacement will be validated in liaison with a relevant Occupational Therapist to ensure the replacement lift is still relevant to the tenant's needs, or where circumstances have changed which could affect the design of lift equipment that needs to be installed.

#### **14. New Build Developments & Other Lifting Equipment**

14.1 Housing Development will engage with Adur Homes at an early stage of new build projects to ensure that future maintenance requirements of all lifting equipment have been considered.

14.2 Housing Development will provide details of stair and through floor lift equipment specifications to the Surveyor for each new lift installation and operating instructions are left for the tenant in every home. New properties will be added to the lift maintenance contract by Adur Homes.

#### **15. Record Keeping**

15.1 Regulation 11 of LOLER requires that copies of reports of thorough examinations must be kept available for inspection for at least 2 years. The law will contain information as specified in Schedule 1 of LOLER, in summary:

- 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 (i.e. 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.

15.2 The regulation states where possible reports will be stored safely at the premises (but it may be stored elsewhere due to space or security reasons) so that they are readily available to the relevant authority (Health & Safety Executive) should they request them. This information may be kept in both hard copy form or stored

electronically. Where information is stored electronically it will be protected from unauthorised alteration and be possible to provide a written copy when necessary

15.3 Adur Homes will store all service and 'thorough examination' reports electronically on their job scheduling software.

## **16. Performance and Monitoring**

16.1 Monthly contract meetings between Adur Homes and the Lift Maintenance Contractor will form the basis for measuring performance and maintain a high standard of service. The Contractor will provide full details of recorded key performance indicators against targets for specified servicing, maintenance and refurbishment programmes, as stated in their contract.

16.2 The Contractor will provide an effective monitoring system of Health and Safety incidents and measures to address causes during all contractual activities. Adur Homes's Compliance will carry out random Health and Safety Inspections on a range of servicing, maintenance and refurbishment work activities. Health and Safety inspection reports will be provided to be reviewed at contract meetings.

16.3 Regular communication and meetings between Adur Homes and stakeholders to resolve access issues for stair and through floor lift 'thorough examinations' which will improve LOLER compliancy and further reduce risk.

16.4 Tenants who are dissatisfied by the service provided are able to complain in accordance with our complaints procedure. A copy of Adur Homes Complaints policy and procedure is available upon request.

## **17. Competencies and Training**

17.1 The term 'competent person' used in LOLER and PUWER legislation in the context of conducting a 'thorough examination' is not defined in law. However, Approved Codes of Practice broadly describe the attributes of a competent person for undertaking thorough examinations. The person carrying out a thorough examination has such appropriate practical and theoretical knowledge and experience of the equipment to be thoroughly examined as will enable them to detect defects and to assess their importance in relation to the safety and continued use of the equipment.

SAFed represents many organisations undertaking statutory thorough examinations an inspections, promoting high standards by competent people in undertaking this work.

17.2 Lift maintenance should only be undertaken by those who have received adequate information, instruction, training, continuous professional development,

and assessment. The Lift Maintenance Contractor will provide training records of all employees working on Adur Homes lifting equipment, which will be reviewed and updated at monthly meetings.

## Appendix 1 - Draft - to be reviewed and agreed.

### Hydraulic Passenger Lift Maintenance Procedure

The following components will be serviced over a twelve month period	
From inside the Lift Car and at each landing	
Check site for changes in work conditions	
Car and landing call buttons acceptance lights position and direction indicators	
Door margins	
Ride quality & floor levels	
Voice enunciator, REM, voice & or audible alarm	
Door operation and reversal device and site guards	
Flooring, ceiling, handrails and lighting	
Emergency light	
Pit for Cleanliness	
In Pump Room	
Control panel	
Relay / brush condition / Operation & terminals	
Ventilation, filters and cooling fans	
Event log	
Hydraulic tank	
Operation, oil level and leakage	
Check MRO (manual lowering and hand-pump)	
Check relevelling operation	
Check manual lowering slack rope device function	Annual Exam
Over speed devices	
Bearings, Operation & lubrication of device & condition of rope.	
From lift Car Top	
Car gates / doors & operator	
Top track, door hanging, kicking, lock rollers and air cords	
Drives, belts, chains, cams skates and car gate contact Car door bottom track and shoes and door gaps	
Car top	
Electrical cables / layout, hoist way lighting	
Guide shoes, oil pots and cab ties	
Floor switches/tape head readers	
Check guide rail condition and security of fixings	
Check main suspension condition, terminations and lubrication	Annual Exam
Safety gear operation, lubrication	Annual Exam
Electrical safety devices check	Annual Exam
Landing gate/doors	
Top track, air cords, door hanging, kicking and lock rollers	Annual Exam
Closing device, air cord, bottom track, door gaps and shoes Check	Annual Exam
all lock contacts and auxiliary contacts	Annual Exam
Hydraulic ram	
Guide shoes top / bottom and lubrication pots	
Sheave bearing lubrication	
Rope / chain tension and terminations	Annual Exam
Ram Seals	
From pit	
Pit	
Check and lubricate all sheaves and bearings	
Check all electrical switches for operation	Annual Exam
Oil overflow collection bottle	
Check all hose and pipe work joints for leaks	
Ram seal	
Cleanliness	
Check suspension terminations / safety gear testing device	Annual Exam
Underside of car	
Safety gear examination / lubrication and guide shoe check	Annual Exam

**Appendix 2 - Draft - to be reviewed and agreed.**  
**Traction Passenger Lift Maintenance Procedure**

The following components will be serviced over a twelve month period	
From inside the Lift Car and at each / bottom landing	
Check for changes in work conditions	
Car and landing call buttons, acceptance lights, position and direction indicators	
Door margins	
Ride quality & floor levels	
Voice enunciation, REM, voice & or audible alarm	
Door operation and reversal device and site guards	
Flooring, ceiling, handrails and lighting	
Emergency light	
Pit for Cleanliness	
Rope Stretch	
In Machine Room	
Control panel / selector	
Relay/ brush condition/ Operation & terminals	
Ventilation, filters and cooling fans	
Event log	
Lubrication / chains / cams	
Motor/generator/machine	
Bearings/lubrication/cooling fan	
Commutator, brushes/Terminations	
Even rope height in sheave	
Even rope tension equalising device	
Brake	
Traction/Lubrications/Linings	Annual Exam
Over speed devices	
Bearings, Operation, lubrication & condition of rope.	
From lift Car Top	
Car gates/doors & operator	
Top track, door hanging, kicking, lock rollers and air cords	
Drives, belts, chains, cams skates and car gate contact	
Car door bottom track, shoes and door gaps	
Car top	
Electrical cables/layout, hoist way lighting	
Guide shoes, oil pots and cab ties	
Check and lubricate all diverter sheaves (car top and shaft)	
Check guide rail condition and security of fixings	
Floor switches/tape head readers	
Examine main suspension ropes / chains and terminations	Annual Exam
Electrical safety devices check	Annual Exam
Landing gate/doors	
Top track, air cords, door hanging, kicking and lock rollers	Annual Exam
Closing device, air cord, bottom track, door gaps and shoes	Annual Exam
Check all lock contacts and auxiliary contacts	Annual Exam
Counterweight	
Guide shoes top/ bottom and lubrication pots	
Sheave bearing lubrication and tie rods or clamps	
Suspension tension and terminations	Annual Exam
Safety gear examination / lubrication	Annual Exam
From pit	
Pit	
Inspect rope/belt stretch	
Check and lubricate all sheaves and bearings	
Tape sheave wipers/lubricant	
Electrical safety devices check	Annual Exam
Buffers oil levels	
Cleanliness	
Underside of car	
Safety gear examination/Lubrication and guide shoe check	Annual Exam

**Appendix 3 Draft - to be reviewed and agreed.**

**Stair Lift Annual Maintenance Check List**

Check Item	Status	Remarks
Drive fixings		
Brake function		
Drive wear		
Lubricant		
Active safety gear		
Check / Adjust rollers		
Carriage fixings		
Seat fixing secure / Boss		
Seat interlocks / Swivels		
Safety edges		
Rail fixings		
Clean / Damage free		
Check terminals / Battery volt		
Check pickups		
Alarm function		
Check stopping		
Over travel		
Emergency Lowering Operative		
Emergency Lowering Key/Mechanism on site		
Seatbelt		
<b>Rep Name:</b>		
<b>Rep Sign:</b>		
<b>Date:</b>		

**Appendix 4 - Draft - to be reviewed and agreed.**

**Through Floor Lift Bi-Annual Maintenance Check List**

Check Item	Status	Remarks
Safety Edges		
Brake functions		
Lubrication		
Safety Gear		
Carriage fixing secure		
Rollers (where applicable)		
RAM		
Emergency Lowering Operative		
Emergency Lowering Key/Mechanism on site		
Over travel		
Alarm function / Auto Dialler		
Door Locks		
Door Contact		
Check Oil Levels		
<b>Rep Name:</b>		
<b>Rep Sign:</b>		
<b>Date:</b>		



ADUR DISTRICT  
COUNCIL

**Adur Homes**

**Interim Water Hygiene  
(Legionella)  
Risk Management Policy and  
Procedures**

**Adopted:**

**Review Date: March 2024**

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# 1. Introduction

## What is Legionella?

Legionnaires Disease is a potentially fatal form of pneumonia caused predominantly by the Legionella pneumophila bacteria. Legionella pneumophila and related bacteria are common in natural water sources such as rivers, lakes and reservoirs, but usually in low numbers.

Legionnaires' disease is normally contracted by inhaling Legionella bacteria in tiny droplets of water (aerosols), deep into the lungs; there is no documented evidence of the disease passing from person to person.

Under general health and safety law, Adur District Council is required to consider the risks from Legionella that may affect staff, residents or members of the public and take suitable precautions

## Legionella Control Policy and Guidance 2020

Adur & Worthing Council has an agreed policy for Legionella and it defines how the council will identify and manage the risks arising from exposure to Legionella bacteria in water systems.

The Policy also takes into account the formal requirements to manage risk contained in the Health and Safety at Work etc. Act 1974, the Control of Substances Hazardous to Health Regulations 2002 (as amended), the Management of Health and Safety at Work Regulations 1999 (as amended), and the requirement to report any legionella incident under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).

The arrangements are based on the requirements contained in the Approved Code of Practice (L8) 'Legionnaires disease, and the control of legionella bacteria in water systems Approved Code of Practice, and HSG 274: Legionnaires' disease: Technical Guidance. The fourth edition of the ACOP main changes are removing Part 2, the technical guidance, which is published separately as HSG274 and giving the following issues ACOP status:

- risk assessment;
- the specific role of an appointed competent person, known as the 'responsible person';
- the control scheme;
- review of control measures;
- duties and responsibilities of those involved in the supply of water systems.

This Policy should not be considered a definitive guide to the management of legionella and the requirements of the Regulations. Where any doubt exists as to the action to be taken, or advice or assistance is required, contact should be made with the Asset Manager.

## Legionella Management Procedures for Adur Homes

This Legionella Management Procedures document for Adur Homes is guided and informed by the above corporate policy and sets out the application of this policy for the specific work of Adur Homes.

Copies of those documents referred to above and other useful reference materials are available from the Responsible Person, and information is available on the intranet.

The Policy requires full compliance and applies to:

- Adur Homes employees;
- Interim and temporary staff;
- Residents;
- Consultants working directly for Adur Homes or through an agency;
- Contractors to Adur Homes.

Contractors, consultants and others working on the organisation's premises will be expected to comply with the Adur Homes Legionella Risk Management policy and procedures and all relevant statutory provisions, Approved Codes of Practice and relevant guidance.

We will, wherever necessary, work with our contractors to assist them in developing Legionella Risk management procedures within their own organisations to help them achieve the standards required by Adur Homes, although the responsibility for doing so remains entirely theirs.

## **2. Adur Homes Policy and Procedures Compliance**

Adur Homes is committed to providing safe and healthy working conditions for all its employees, and to provide safe premises, facilities and services for residents, visitors, contractors, and others who may be affected by its activities so far as is reasonably practicable.

Adur Homes aims to achieve Legionella safety performance that not only complies with the law but is also the best in its sector. To support this aim, Adur Homes will ensure full compliance with the requirements of the ACoP L8 and related legislation.

All employees of Adur Homes and others who work for, and with, Adur Homes are expected to cooperate with management to help ensure the effective implementation of the corporate policy and these Adur Homes and procedures. All employees, consultants and contractors should be regularly reminded that failure to comply with this Policy by either action or inaction may result in the termination of contracts and cancellation of agreements, and may, in very serious cases, result in civil or criminal prosecution.

## **3. Control- What Adur Homes must do**

Whilst there is a duty to assess the risk from exposure to Legionella to ensure the safety of Adur Homes tenants, this does not require an in-depth, detailed assessment in the majority of homes and it would be reasonable to review a representative proportion of dwellings. The risks from hot and cold-water systems in most residential settings are generally considered to be low owing to regular water usage and turnover.

A typical 'low risk' example may be found in a small building (e.g. two storey block of flats) with small domestic-type water systems, where daily water usage is inevitable and sufficient to turn over the entire system; where cold water is directly from a mains supply (no stored water tanks);

where hot water is fed from instantaneous heaters or low volume water heaters (supplying outlets at 50 °C); and where the only outlets are toilets and wash hand basins.

A simple assessment may show that there are no real risks and minor risks are being properly managed and no further action is needed. It is important to review the assessment in case anything changes in the system.

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

- flushing out the system prior to letting the property if it has been empty for longer than 30 days.
- avoiding debris getting into the system (e.g., ensure the cold-water tanks, where fitted, have a tight-fitting lid)
- setting control parameters (e.g., setting the temperature of the hot water cylinder (calorifier) to ensure water is stored at 60°C) and providing information to residents
- make sure any redundant pipework identified is removed (or isolated).

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

The Health & Safety at Work Act 1974 and COSHH require employers to conduct their work in such a way that their employees will not be exposed to health and safety risks and provide information to other people about their workplace, which might affect their health and safety. Adur Homes will comply with its duties under the Act by:

- effectively reducing associated risks to the lowest level reasonably practicable for all customers, visitors, staff and contractors
- reducing to the lowest reasonably practicable level the spread of Legionella disease from any Adur Homes Housing premises

Adur Homes will comply with the Management of Health & Safety Regulations 1999 by ensuring that a monitored programme of adequate controls are in place.

This will be implemented over a 3 year period through:

- Stock condition surveys of all Adur Homes dwellings
- identification, assessment and regular review of risks
- preparation of a written scheme to reduce, eliminate or control the risks identified
- implementation and management of the written scheme by appointing adequately trained people who have managerial responsibility
- Implementation of an Asset Management system
- maintaining all relevant records and monitoring controls

The risk assessment programme will be prioritized according to the vulnerability of service users

(sheltered housing) and the water systems likely to present the highest risks.

Adur Homes will comply with the Control of Substances Hazardous to Health Regulations 2002 by taking reasonable steps to safeguard people from hazards associated with water supplies, particularly waterborne bacteria.

Adur Homes will comply with the duties of the Approved Code of Practice L8 and Guidance HSG274 by:

- Undertaking an initial risk assessment to identify the risk level of each block where there are communal cold water tank(s), communal heating systems or communal facilities such as kitchens, bathrooms and WC's. This will identify whether the possibility exists of conditions suitable and liable to facilitate the growth of legionella bacteria and this will determine where a site-based water risk assessment is required.
- This site-based risk assessment will determine for each property the inspection frequency, remedial works and management actions required.
- The approach will be, where suitable to instigate a potable water regime, this will be with the agreement of the Councils legionella consultant.
- Only suitably competent and experienced legionella/water treatment persons will be permitted to carry out risk assessments and remedial works.
- Appointing a Responsible Person for the prevention and control of risk from Legionella.

#### **4. What the Water Hygiene Services Provider must do**

- Delivering a comprehensive water hygiene and control of Legionella bacteria service to ensure Adur Homes complies with the Legionella Approved Code of Practice (ACOP L8)
- Carrying out routine testing, monitoring, flushing and cleaning of all systems on a regular basis as agreed in the contract specification.
- Updating all existing risk assessments as required under the contract.
- Provide consultancy advice to Adur Homes
- Providing a water hygiene and control of Legionella bacteria records management system which complies with the regulations and Legionella Approved Code of Practice (ACOP L8)
- Agreeing and implementing prioritised corrective actions with the Responsible Person;
- Attending regular meetings with Asset Management (Compliance) to report progress and highlight any concerns.

#### **5. What Adur Homes tenants need to know**

Tenants should be advised of any control measures put in place that should be maintained e.g., not to adjust the temperature setting of the calorifier, to regularly clean shower heads and tenants should inform the landlord if the hot water is not heating properly or there are any other problems with the system so that appropriate action can be taken.

Where showers are installed, these have the means of creating and dispersing water droplets

(aerosols) which may be inhaled causing a foreseeable risk of exposure to Legionella.

If used regularly (as in the majority of most domestic settings) the risks are reduced, however, tenants should be advised to regularly clean and disinfect shower heads. Instantaneous electric showers pose less of a risk as they are generally cold water-fed and heat only small volumes of water during operation.

## **6. Identification and Assessment of the Risk**

Adur Homes will employ suitably qualified and competent persons to carry out a risk assessment of every building that meets the requirements of point 3. above. The assessment will comply with the BS 8580 2010 Water Quality, Risk Assessments for Legionella Control, Code of Practice and the HSE publication 'Legionnaires' disease: The control of Legionella bacteria in water systems, Legionella Approved Code of Practice (ACOP L8)'.

Reviews of risk assessments will take place when:

- There are changes to the water system or its use;
- There are changes to the use of the building in which the water system is installed;
- New information about risks or control measures becomes available;
- The results of checks indicating that control measures are no longer effective;
- A case of legionnaires' disease/Legionellosis is associated with the system.

In new buildings, the Project Delivery Team should ensure that whoever designs, manufactures, imports or supplies water systems including for sprinklers, that may create a risk of exposure to Legionella bacteria, so far as reasonably practicable;

a) The water system is so designed and constructed that it will be safe and without risks to health, when used at work;

b) Provide adequate information for the user about the risk and measures necessary to ensure that the water systems will be safe and without risks to health when used at work.

This will take the form of a risk assessment which will be provided on completion of works or at handover.

## **7. Controlling and Monitoring the Risk**

Adur Homes will employ suitably qualified and competent persons to implement a control and monitoring scheme for all potential sources of risk.

The service provider employed will carry out assessment; monitoring and control to meet requirements of the Approved Code of Practice Guidance L8, and complete reviews in accordance with BS 8580-1:2019.

Adur Homes will utilise the electronic water management system of the service provider.

Adur Homes services and teams will ensure where required regular flushing of communal equipment, including infrequently used outlets in Sheltered housing is undertaken and recorded on T100 to the standard required to control Legionella bacteria within Adur Homes.

Individual Adur Homes teams will ensure h a log detailing flushing regimes are maintained on T100..

Audits of the management system will be carried out annually by the current water hygiene service provider.

Adur Homes adopts a temperature regime for Legionella control in water systems.

## **8. The Legionella Written Control Scheme**

Where the risk assessment shows that there is a reasonably foreseeable risk of exposure to legionella bacteria, then the Contractor shall provide a written scheme for controlling the exposure, which must be implemented and properly managed to meet requirements of Approved Code of Practice & Guidance -L8 and HSG274. The scheme should also specify measures to be taken to ensure that it remains effective together with remedial action required in the event that the scheme is shown not to be effective.

The written scheme should also include:-

1. An up to date plan or schematic showing the layout of the plant or system, including parts temporarily out of use.
2. A description of the correct and safe operation of the system.
3. The precautions to be taken.
4. Checks to be carried out to ensure the efficacy of the scheme and the frequency of such checks.

## **9. Long term void properties**

It is important that water is not allowed to stagnate within the water system and so there should be careful management of properties left vacant for extended periods. As a general principle, outlets on hot and cold-water systems should be used at least once a week to maintain a degree of water flow and minimise the chances of stagnation. To manage the risks during non-occupancy of long-term voids, the systems shall be drained down and refilled just prior to re-occupation.

## **10. Testing (or sampling) the water system for legionella**

Testing or sampling for Legionella is not usually required for domestic hot and cold-water systems, but only in very specific circumstances ([HSG274](#) Part 2, para 2.120). Testing for Legionella is different to temperature monitoring, which is a reliable method for confirming the water system is under control. Health and safety law does not require landlords to obtain or produce a 'Legionella test certificate'.

However, it is appropriate to monitor for legionella in areas where there is a population with increased susceptibility such as including supported and sheltered housing.

## **11. Keeping a record of the assessment**

Although as a Landlord Adur Homes isn't required to record the findings of the assessment, under Health and Safety legislation, as an employer of five or more employees Adur Homes is required to record the findings of the assessment. This will be recorded on the electronic water management system.

## **12. Reviewing your risk assessment**

It is important to review the assessment periodically in case anything changes but the law doesn't specify if this should be on an annual or bi-annual basis. Adur Homes currently review our risk assessments every two years.

The risk assessment should include:

- management responsibilities, including the name of the competent person and a description of our system
- any potential risk sources
- any controls currently in place to control risks
- monitoring, inspection and maintenance procedures
- records of the monitoring results, inspection and checks carried out
- a review date

## **13. Confidentiality, Safeguarding and Equality Duty**

Under the Data Protection Act 1998 and the Human Rights Act 1998 all personal and sensitive information, however received, is treated as confidential. Officers will ensure that they only involve other agencies and share information with the consent of the tenant or Leaseholder concerned unless required to by law, or where the information is necessary for the protection of children and/or vulnerable adults in accordance with Adur Homes's Safeguarding policy. We may have a data processing agreement with the contractor to allow some personal data to be shared for the purposes of carrying out testing and inspections i.e. names, contact numbers, addresses.

Adur Homes is committed to fulfilling its Public Sector Equality Duty.

## 14. Responsibilities

Under the Corporate Manslaughter and Corporate Homicide Act 2008 an organisation can be found guilty of corporate manslaughter in situations where there has been a collective failure leading to a gross breach of the duty of care.

If an incident occurs that leads to injury or death those making decisions within an organisation will be under significant scrutiny. This will include senior managers and elected members. It is therefore important that managers and members are familiar with the council's obligations and that they monitor the delivery of this policy.

While the responsibility for legionella risk management within Adur Homes ultimately remains with the Chief Executive of Adur and Worthing Councils, the delegated responsibility for the delivery of legionella risk management within domestic properties owned and or managed by Adur Homes is with the Head of Housing.

## 15. Organisation

**Members** are responsible through the committee structure for ensuring that adequate resources are made available for the Council to meet its statutory obligations and it should consider any reasonable request for resources needed to ensure legionella risk management in the Council's housing properties is suitable and sufficient.

**The Chief Executive** is deemed to be the overall duty holder within the organisation and is ultimately responsible for ensuring the implementation of the policy at all levels within the Council. The CEO is responsible for the production and review of the Corporate Legionella Risk Management Policy.

### The Duty Holder

**The Director of Communities** is responsible for provision of adequate resources to meet the requirements of, The control of legionella in water systems Approved Code of Practice L8 and any other relevant regulations and guidance within Housing by ensuring:

- Systems are properly assigned and accepted.
- That sufficient financial resources are available for the implementation and administration of this policy and associated management systems.
- That the responsibility for the implementation of and compliance with legionella risk management is relevant and in line with all current legislation and guidance.
- The Council's policies and management system are complied with and properly assigned, understood and actioned by their staff

## The Responsible Person

**The Head of Housing** is the responsible person for Adur Homes and has been given their authority by the Director of Communities as Duty Holder. The position carries with it the authority to put into effect such measures as are required to control the risk of legionellosis, both as a matter of routine and in the event of an emergency. The Responsible Person has a duty to ensure that Approved Code of Practice (ACOP) L8 and all relevant legislation associated with the management and control of legionellosis are adhered to. The Responsible Person also has a responsibility to ensure records are kept to confirm that this policy has been implemented.

The Head of Housing has the overriding authority for the control of Legionella to ensure that all Adur Homes properties within their area of control meet the requirements of Legislation and this policy. The Head of Housing is required to ensure that nominated Adur Homes staff are trained and competent to carry out the prescribed task on their behalf and to ensure that the “Nominated Deputy” tasks and requirements are duly met.

They must also ensure a coordinated approach is delivered through the assessment, maintenance and management of properties by:

- Ensuring that risk assessments are completed, and any actions noted are addressed through the appropriate process.
- Ensuring that the legionella awareness training programme for their staff is followed and suitable records retained.
- Liaising with consultants, other members of staff and enforcement officers over legionella risk management safety matters.
- Ensuring that any contractors (including contract or agency staff) taken on are competent
- Ensuring that contractors are adequately assessing and managing legionella risks in relation to maintenance, servicing, major works and improvements.
- Ensuring that incidents are reported to Adur Homes in accordance with Adur Homes policy and procedure.
- Ensuring that contractors / consultants report all RIDDOR reportable incidents to the HSE and informing the Compliance Manager as soon as possible.
- Investigating legionella risk management incidents related to activities undertaken by the contractors or consultants and providing suitable reports in line with Adur Homes procedures.
- Ensuring that contractors or consultants identify the legionella risk management training needs of their staff and fulfill them accordingly.
- Ensuring communication and co-operation with contractors or consultants as appropriate to implement this policy
- Ensuring that all employees of contractors or consultants are responsible for the reporting to their manager and or most appropriate or named person of any legionella risk management matter of a serious nature or one which may pose immediate danger to any person, or has resulted in injury, in a timely manner.

The Head of Housing is responsible for the dissemination of any water safety information

relevant to property, either generic or specific, at the time of letting that property. If these responsibilities are delegated to another member of staff, then that person must be deemed competent through the completion of appropriate training or briefings.

## **Nominated deputy**

The Nominated deputy is the Compliance Manager and has been given their authority by the “Responsible Person” to act on their behalf to oversee the day to day management of Legionella control for Adur Homes. In this capacity the Compliance Manager has responsibility for overseeing and coordinating the Control Legionella Policy and Procedures. This position carries with it the authority to put into effect such measures as are required to control the risk of legionellosis, both as a matter of routine and in the event of a crisis. The Compliance Manager also has a responsibility to ensure records are kept to confirm that this policy has been implemented.

They have the responsibility for the day-to-day management including ensuring that the scheme of precautions to control the risk of legionellosis is implemented fully by competent persons, whether directly employed by Adur and Worthing Councils, contracted or subcontracted.

The Compliance Manager is responsible for ensuring the risk assessments are reviewed bi-annually or following any incident and the testing and maintenance regimes for detection and prevention for the Council’s owned and Council’s managed housing stock by:

- Identifying the properties requiring a risk assessment for Legionella Control in accordance with ACOP L8 and creating a programme of inspections.
- Creating a programme relating to the action plans arising from the risk assessments.
- Ensuring that all planned maintenance activities and contractors carrying out work in any housing stock are adequately monitored and controlled.
- Providing advice on legionella risk management.
- Supporting implementation of the Adur Homes Legionella Risk Management Policy
- Advising and developing appropriate policies and procedures to provide Adur Homes with necessary guidance for achieving compliance with legislative requirements.
- Reporting to the organisation any actions relating to water safety taken by enforcement agencies, both formal and informal, and monitoring progress made by Adur Homes in complying with those actions.
- Monitoring legionella incidents within Housing where staff, residents or visitors are involved.
- Monitoring reporting of water safety RIDDOR incidents to the HSE
- Ensuring that adequate arrangements are made to provide appropriate legionella awareness training at all levels.
- Will act as the lead officer for legionella risk management and act as the responsible person in accordance with ACOP L8.

## **Operators**

May be designated site staff and / or contractors with designated duties.

Operators have responsibility for the safe operation of plant, equipment and facilities, implementing the scheme of precautions and doing so using safe working practices.

**Housing maintenance inspectors and staff** are responsible for:

- Undertaking inspections which incorporate an element of water safety checks, ensuring premises, facilities and equipment under their control are safe, clean and tidy.
- Ensuring safety inspections and regular housekeeping inspections are completed.

**The housing service managers** are responsible for:

- Encouraging all their team members to be water safety conscious.
- Ensuring that the Legionella Risk Management Policy is distributed and communicated to all members of their teams.
- Ensuring that the responsibility for the Legionella Risk Management Policy operation is properly assigned, accepted and understood by the relevant staff they manage.
- Ensuring that premises inspections which incorporate an element of water safety checks are completed and appropriate action is taken by their staff.
- Supporting their staff and providing guidance on how to respond to any reported concerns to ensure they are monitored, reviewed and that appropriate action is taken.
- Ensuring their staff manage their premises and equipment in a safe way.
- Liaising with consultants, enforcement officers and other members of staff about water safety matters and ensuring their staff notify the Compliance Manager of any such visits.

## **16. Monitoring, Training and Review**

The Head of Housing is responsible for the auditing of the risk assessment and legionella risk management programme to ensure compliance. The Compliance Manager is responsible for the regular review and management of the delivery of the outputs resulting from the risk assessments relating to the housing stock. The Compliance Manager is responsible for ensuring that all 'urgent' remedial works identified through the risk assessments, or through the regular inspection processes, are completed in a timely fashion to ensure compliance.

In order to ensure that we are confident that all relevant staff are aware of this policy we will log this via the T100 document register. Reviews of individual training requirements, including legionella awareness safety, will form part of the regular appraisal process. New members of staff will receive legionella awareness safety training as part of their induction, and it will be the responsibility of the relevant line manager to ensure the delivery of this is relevant to the position held. The Compliance Manager is responsible for ensuring all staff with premises management responsibility receive detailed and specific legionella awareness training. The training will include awareness of the hazards associated with Legionella, relevant legislation, requirements for surveys and risk assessments and the Legionella safety policy and procedures.

This policy will be subject to periodic audit and reviewed as necessary through the authorised process to ensure that the procedures relating to legionella risk management are kept up to date and relevant. The procedures will be made accessible to all staff and to all other interested parties on request.



ADUR DISTRICT  
COUNCIL

**Adur Homes**

**Interim Feedback and  
Complaints Policy and  
Procedure**

**Adopted:**

**Review Date: March 2024**

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## **Introduction**

Adur Homes is committed to providing consistent, efficient, and fair standards of services to all of its tenants. We welcome both positive and negative feedback to help us improve our standards and the quality of housing services provided.

When we receive a complaint we will, as appropriate:

Apologise

- Take action to put things right as quickly as possible
- Use your feedback to change and improve the way we deliver our services

The purpose of this policy and procedure is to ensure that there is a consistent and fair approach to responding to complaints which aims to resolve the issues at the earliest opportunity.

This policy and procedure seeks to build on the Council's corporate arrangements and adds relevant or specific details that are appropriate for Adur Homes tenants.

## **Aim of the Policy and Procedure**

We recognise the need to provide an efficient professional housing service which is responsive to your views and needs.

The aim of this policy and procedure is to demonstrate Adur Homes' commitment to delivery of a transparent, clear to understand approach in the management of feedback and complaints based on being fair, putting things right, and learning from outcomes.

When dealing with feedback and complaints, it is our aim to work with tenants so we understand what the issues are and what tenants would like to happen to resolve them. We are committed to treating all tenants fairly and will make sure that individual needs are taken into account when applying this policy and that any reasonable adjustments are made in line with the Equality Act 2010.

## **What is feedback?**

Feedback is information about tenant reaction or opinion as a result of actions or behaviour undertaken by Adur Homes. It can be either positive or negative and used as a basis for service improvement. All feedback is recorded and a copy is sent to the relevant service manager to review and feed into their work plans accordingly.

## **What is a Complaint?**

The Housing Ombudsman defines a complaint as “an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents’.

## **Making a complaint**

All tenant complaints will be treated equally regardless of the way they are submitted, and customers do not have to use the word ‘complaint’ for it to be treated as such.

If you need any support or assistance in making a complaint then please let us know so that we can ensure any reasonable adjustments are made in line with the Equality Act 2010 and our Equality Policy.

## **How to raise a complaint and give feedback**

- Website [Submit an online form](#)
- Email [customerfeedback@adur-worthing.gov.uk](mailto:customerfeedback@adur-worthing.gov.uk)
- Letter Customer Feedback, Adur District Council % Worthing Town Hall, Chapel Road, Worthing West Sussex, BN11 1HA
- Telephone 01273 263000

Any complaints made via our social media sites will be, where possible, dealt with in line with this complaint policy, to protect confidentiality and privacy we will reply and

ask you to contact us directly by the above contact methods with further details so that we can log your complaint.

A complaint submitted via a third party or authorised representative will wherever possible, be handled in line with this complaints policy.

There are some issues which we cannot deal with under this policy which are detailed at Appendix 1. If a formal appeal process exists then this will be used to address your concerns for example council tax and planning applications.

If we decide not to accept a complaint, an explanation will be provided setting out the reason why the matter will not be dealt with under the complaints policy and will inform you of what to do next.

If you are unhappy with this decision, you have the right to take your complaint to the ombudsman.

## **How your complaint is managed**

### **Stage one complaints**

Your complaint will be handled by a nominated person within the relevant housing service relating to your complaint. This individual will.

- Act independently and have an open mind
- Take measures to address any actual or perceived conflict of interest
- Consider all relevant information and evidence carefully
- Keep the complaint confidential as far as possible in line with our standards of confidentiality with information disclosed if necessary to the investigation.

If any aspect of the complaint is unclear you will be asked for clarification and the clarified complaint will be agreed between you and Adur Homes. For example we may call to clarify our understanding of the complaint and find out what resolution the customer is seeking.

Our aim is to provide you with a full response within 15 working days from the date the complaint was received. If this is not possible, we will contact you and let you

know why we are not able to do this and when we will provide a response. This will not exceed a further 10 working days without good reason.

Examples of a 'good reason' could include but are not limited to

- A delay by a third party, over which we have no control, in providing information
- Requiring further time to undertake interviews and/or
- Needing longer to acquire all the information required from multiple sources to enable us to properly investigate a long-standing complex case

The complaint response will be sent to you when the answer to the complaint is known. It will not be delayed until any outstanding actions are completed.

Outstanding actions will be tracked, and updates provided to you.

Where you raise additional complaints during the investigation, these will be incorporated into the Stage 1 response if they are relevant, and the stage 1 response has not been issued. Additional time may be required to respond to this updated complaint and this will be explained, giving an estimated response time as appropriate. Where the Stage 1 response has been issued, or it would unreasonably delay the response, the complaint will be logged as a new complaint.

### **Stage two complaints**

If you are dissatisfied with the stage 1 response, or you feel that stage 1 has been unreasonably delayed, you can ask for your complaint to be escalated to Stage 2. When requesting for your complaint to be escalated we will need to know the reasons why you are unhappy with our response and the outcome you are seeking.

Stage 2 complaints will be handled by a Senior Officer not previously involved in the Stage 1 complaint.

You will have 28 days from the date of the stage 1 response to request a review. If you do not let us know within this timeframe, then we will not normally re-open your complaint unless there are exceptional circumstances. This decision will be made by the Head of Service or Director.

If any aspect of the complaint is unclear you will be asked for clarification and the clarified complaint agreed between you and the Council. The timescale for responding to the complaint may change as a result of this clarification and the resident will be informed of any changes in timescales and the reasons for this change.

Our aim is to respond in full to you within 15 working days of receipt of your request for review. If this is not possible, we will contact you and let you know why we are not able to do this and when we will provide a response. This will not exceed a further 10 working days without good reason.

If the issue your complaint is about is subject to the attention of any formal Council meetings, then your response may be delayed enabling the relevant debate / decision-making process to be achieved. You will be kept advised of when you should expect a response

All complaints relating to social landlord services will have regard to the Ombudsman Complaint Handling Code (see below).

## **How you can help us**

We understand that it is frustrating when we do not meet your expectations. We will do everything we can to resolve your complaint. In return we ask that you: -

- To help with the investigation we ask that you provide as full and detailed a factual account of the reasons for your complaint as you can so that we can fully investigate.
- Treat our staff with respect
- Do not use abusive language or behaviour when communicating with us
- Engage with all reasonable requests made in an effort to resolve your concerns

## **Closing the complaint**

If after sending our response to your complaint and attempting to make contact with you to discuss it, there is no further contact from you within 20 working days, the complaint will be closed. The complaint may be reopened if further information is

provided at the discretion of the service or the Council is directed to do so by the Ombudsman.

## **Next steps**

There is no further right of appeal to the council following completion of a review at stage 2 of this policy unless your complaint is related to social housing services. Within our final response, we will inform you of your right to take your complaint to the Ombudsman if you remain dissatisfied.

The Local Government and Social Care Ombudsman can investigate complaints about the Council's services including housing allocations and homeless applications. Our landlord function comes under the jurisdiction of the Housing Ombudsman, and the Housing Ombudsman's Complaints Handling Code sets out requirements for registered social landlords to respond to complaints effectively.

## **Local Government Ombudsman (LGO)**

Also referred to as LGO and they will investigate the following housing related council services - their fact advice sheets are available via the links below:

- [Homelessness applications](#)
- [Harassment or illegal eviction by your private landlord](#)
- [Possessions in council storage](#)
- [Housing transfers](#)
- [Housing applications](#)
- [Housing adaptations for people with disabilities](#)
- [Housing complaints by private landlords](#)
- [Neighbour nuisance and anti-social behaviour](#)
- [Private housing disrepair](#)
- [Right to buy applications](#)

The normal practice of the LGO is not to begin an investigation until the council has had the opportunity to try to resolve the complaint. It is important, therefore, that you contact us first. See:

- [How to make a complaint - on the Local Government Ombudsman website](#)

## Housing Ombudsman (HO)

Also referred to as HO and they will investigate the following housing complaints:

- disputes involving the tenants and leaseholders of social landlords (housing associations and local authorities)
- leasehold services
- rent/service charges
- moving to a property - tenancy / transfer / mutual exchange
- Tenant Behaviour
- repairs / housing standards
- environmental health issues of property
- complaints about housing staff
- councils' handling of the complaints process

You can escalate your complaint directly to the HO after you receive our final Stage 2 response. See:

- [How to make a complaint - on the Housing Ombudsman website](#)

However, you can contact a designated person if you are not happy with the Stage 2 response straight away. The designated person can be your local councillor or MP who will try to help resolve your complaint. If they cannot help they can refer your complaint to the Ombudsman.

- [Find your Adur District Council Councillors](#)
- [Find your Worthing Borough Council Councillors](#)
- [Find your MP](#)

## Additional Information

### Complaints of discrimination and harassment

These will be dealt with sensitively, considering the nature of the issues raised when appointing an investigator.

In cases of harassment, we will consider the characteristics of the investigating officer, and if appropriate, discuss this with you before appointing an investigator. We

will use appropriate information to assess overall levels of discrimination and harassment amongst different groups and will feed into the appropriate corporate policy review mechanisms to improve policy and practice

### **Complaints received via third party**

When we receive a complaint from you via an elected member, advocate, or other third party we will handle this in line with this complaint policy and direct our response to you and the third party unless you instruct us otherwise.

### **Complaints received by the Chief Executive**

Complaints received by the council's Chief Executive will be passed to Adur Homes who will ensure that you are responded to in line with this policy. Service request will be directed to the relevant service

### **Complaints relating to more than one council service**

Where a complaint includes issues for more than one part of the council, we will aim to provide you with a single response whenever possible

### **Complaints and legal proceedings**

In line with guidance from the Housing Regulator we will continue to use the complaints process, even where legal action has been suggested, as there still may be an opportunity to resolve the matter.

It is expected that the complaints procedure is utilised and that both you and the Council will follow the required Pre-Action Protocol process before legal proceedings are issued.

### **Complaints against members of staff**

If you have an issue about a member of staff, we will investigate and take appropriate action in accordance with our internal procedures.

### **Anonymous complaints**

Anonymous complaints about the service where of a serious matter will be investigated as far as possible.

## **Listening to those affected**

The resident, and if applicable any staff member who is the subject of a complaint, will be given a fair chance to:

- set out their position
- comment on any adverse findings before a final decision is made

## **Dealing with complainant's unreasonable behaviour**

There are a small number of customers whose behaviour we feel is unreasonable in pursuing the resolution of their complaint. An Unreasonable Behaviour procedure exists to deal with these instances and is set out in Appendix 2.

## **Continuous learning and development**

We recognise the valuable feedback that a complaint can provide, and we have mechanisms in place to ensure that we capture this when we conclude a complaint.

We will analyse the complaints received to look for common as well as emerging themes and trends. And use this insight to make improvements to our service delivery and/or complaints process.

Performance statistics and complaint outcomes will be shared with our Corporate Management Team to promote continuous development and service improvements, and to identify issues or trends arising from complaint handling.

We will report back on learning and improvement from complaints via an annual report.

Learning from complaints will be shared in our resident newsletter and with staff.

Anonymised case studies may additionally be shared with resident engagement groups.

We will complete a self-assessment against the Housing Ombudsman's complaint handling code each year by 1 May 2022 and following any significant restructure or change in procedures. The outcome of the assessment will be reported to the relevant committee and will be published on our website and included in our annual report.

## **Policy Review**

This policy will be reviewed and updated annually.

## **Equality and Diversity**

Equality and Diversity is important to us and we are committed to making sure that people are treated fairly and with dignity. Our aim is to remove unnecessary barriers

for everyone who works for us or uses our services. All staff receive equality and diversity training as part of their role.

**Compensation**

Adur Homes Compensation policy is being drafted and will set out Adur Council's approach to compensation to Adur Home tenants who have experienced loss, damage, inconvenience or distress due to service failure or other faults by the Council.

# **Appendix 1**

## **What we cannot deal with under this procedure**

### **Contents**

Requests For Service Or Information

Current Enforcement Action In Place

Complaints Regarding Issues That Occurred Over 12 Months Ago

Complaints About Councillors

Dissatisfaction With Decisions Of The Monitoring Officer, Data Protection Officer, Or  
Section 151 Officer

Allegations Of Fraud, Theft Or Corruption By A Member Of Our Staff

Where Legal Proceedings Are Involved

Employment Issues

Complaints About Freedom Of Information (Foi) Requests (Internal Review)

## **What we cannot deal with under this procedure**

### **Requests for service or information**

As an example, if you request a repair to a council property or witness fly-tipping – these are alerting us to work that needs to be done. These requests may however become a complaint if we do not deal with them appropriately.

### **Appeals procedures**

If an appeals procedure applies to your complaint, we will refer you to this and notify you of our actions at the outset.

Appeals procedures must be completed before we can investigate any other issues you raise with us. If this is the case, we will let you know.

The following are examples of complaints where there is an appeals process and so we will not deal with them under this policy: -

- Housing allocation scheme (Housing Register)
- An eviction decision
- Review of homelessness decision
- An enforcement notice

### **Current enforcement action in place**

Where a live enforcement case is ongoing and under investigation, the enforcement case must be brought to conclusion before any complaint can be submitted.

### **Complaints regarding issues that occurred over 12 months ago**

We would not normally investigate complaints about something that happened more than 12 months from the date of your complaint. At the discretion of the Head of Service or Director however a complaint may be reopened if there are exceptional circumstances.

## **Complaints about Councillors**

To make a complaint about a Councillor, please refer to our [website](#) for further advice.

## **Dissatisfaction with decisions of the Monitoring Officer, Data Protection Officer, or Section 151 Officer**

Any concerns relating to the decisions by the Monitoring Officer, as such, Data Protection Officer, as such, Section 151 Officer, as such, or Head of Paid Service, as such are excluded from this complaints process.

## **Allegations of fraud, theft or corruption by a member of our staff**

We are committed to being open and accountable for our staff. Please refer to our [website](#) for further advice.

## **Where legal proceedings are involved**

When a legal challenge is being made regarding whether a decision, action or lack of action is lawful. This is a separate process to the Ombudsman so will not be considered under the complaint policy.

## **Employment issues**

Complaints made by our employees concerning their employment with us, or from job applicants who wish to complain about our recruitment and selection process will be dealt with by the relevant recruiting manager or HR as applicable.

## **Complaints about Freedom of Information (FOI) requests (Internal Review)**

These complaints will be handled by the Information Governance Manager. In cases where we decided not to provide the information to you, the Manager must consider

advice from the information management service. The Manager will notify you of the outcome of our investigation within 20 working days of receipt of your complaint.

If we cannot respond in full within this timeframe, we will advise you why we need more time. Under legislation, we must ensure that we respond fully to you within 40 working days from receipt of your complaint.

There is no further right of appeal to the council following this investigation. Within our response we will inform you of your right to take your complaint further if you remain dissatisfied. Our response will contain the contact details for the Information Commissioner [www.ico.gov.uk](http://www.ico.gov.uk).

## **Appendix 2**

# **Unreasonable Behaviour Procedure for Adur Homes**

### **Contents**

Introduction

Purpose/Standard Required

Examples Of Unreasonable Behaviour

Operating The Procedure

Notification To Complainant

Review

Repetitious Complaints

Complainant Conduct

Record Keeping

## **INTRODUCTION**

1.1. The Council's Constitution gives residents the right to complain and Adur Homes is committed to dealing with all complaints fairly and comprehensively.

1.2. This Unreasonable Behaviour Procedure is required because a small minority of those who make complaints act unreasonably. The procedure is intended to explain to tenants what happens when the duty to act reasonably is not complied with.

## **2. PURPOSE/STANDARD REQUIRED**

2.1 The purpose of the procedure is to give guidance on when a complainant's behaviour has become unreasonable. It identifies situations where a complainant, either individually or as part of a group of complainants, might be unreasonable.

2.2 This procedure applies where unreasonable behaviour is identified.

## **3. EXAMPLES OF UNREASONABLE BEHAVIOUR**

3.1 Demonstrating unreasonable behaviour is described by the Housing Ombudsman:

*'Behaviour is not unacceptable just because a person is assertive or determined. There may have been distressing circumstances leading up to a customer contacting the landlord and people may act out of character. Behaviour may become unacceptable however if it is so demanding or persistent that it places unreasonable demands on the landlord and impacts the level of service that can be offered to others.*

*It is helpful to provide examples that would normally include:*

- *unreasonable demands (eg requesting large volumes of information, asking for responses within a short space of time, refusing to speak to an individual or insisting on speaking with another)*

- *unreasonable persistence (refusing to accept the answer that has been provided, continuing to raise the same subject matter without providing any new evidence, continuously adding to or changing the subject matter of the complaint)*
- *verbal abuse, aggression, violence (this is not just limited to actual physical or verbal abuse but can include derogatory remarks, rudeness, inflammatory allegations and threats of violence)*
- *overload of letters, calls, emails or contact via social media (this could include the frequency of contact as well as the volume of correspondence received as well as the frequency and length of telephone calls)'*

3.2 In all cases where it is considered by the Head of Housing that a complainant's behaviour may be becoming unreasonable, a referral is to be made to the Information Management Team who will review the matter in consultation with the Director of Communities and the Cabinet Member and / or the Leader of the Council and make a determination as to whether or not this procedure applies. If it is considered that the behaviour displayed may be for a reason related to disability and/or any language barrier the Head of Wellbeing will also be contacted for advice.

3.3 Before treating behaviour as unreasonable, the complainant will be given a copy of this procedure along with notice of its possible implementation and given the opportunity to amend their behaviour within an appropriate time period.

3.4 Where there is no change in behaviour or the behaviour has been identified as unreasonable in accordance with this procedure the matter will be reviewed with the Head of Housing and obtain agreement to treat the complainant as unreasonable and for this procedure to be applied. Matters to be considered and satisfied as part of this review will include (this list is not conclusive or exhaustive):

- Refusing to specify the grounds of a complaint, despite offers of help
- Refusing to cooperate with the complaints investigation process
- Refusing to accept that certain issues are not within the scope of a complaints procedure
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- Making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced
- Changing the basis of the complaint as the investigation proceeds
- Denying or changing statements they made at an earlier stage

- Introducing trivial or irrelevant new information at a later stage
- Raising many detailed but unimportant questions, and insisting they are all answered
- Submitting falsified documents from themselves or others
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various service areas organisations
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous Council / Adur Homes staff, or detailed letters every few days, and expecting immediate responses
- Submitting repeat complaints without substantive changes. In these circumstances we will advise the customer that we will not be responding or commenting to complaints that have already been addressed unless there is new information and the complaint will then be passed to the service.
- Refusing to accept the decision; repeatedly arguing points with no new evidence
- Raising a formal complaint for very minor problems
- Continuing to complain about an issue despite explanation that the issue is caused by something beyond the Council's / Adur Homes control
- Using abusive or aggressive language in correspondence or contact which may also constitute nuisance or anti-social behaviour
- That the complaint is being or has been properly investigated
- That any decision reached on the complaint is the right one
- That communications with the complainant have been adequate
- That the complainant is not now providing any significant new information that might affect the Council's / Adur Homes view on the complaint
- The proportionality and appropriateness of the proposed restriction in comparison with the behaviour and the impact on staff.
- The Cabinet Member and / or Leader of the Council have been consulted.

## **OPERATING THE PROCEDURE**

4.1 If a decision has been made that the procedure is to be applied the Head of Housing will decide how complaints are dealt with going forward. This may mean that the complainant is advised as follows (this list is not conclusive or exhaustive):

- that all complaints must be put in writing only
- that telephone contact is prohibited
- that the Council will accept contact with the complainant via only one method of communication only (either in person, by telephone, letter, email or any combination of these)
- that all communication must be made to one named officer or email address only

- that unless in the case of an emergency response is due the complaints will be limited, for example, to once per week and/or
- that the Council has no option but to consider taking legal action

4.2 The methods above can be used singularly or in combination depending on the circumstances of the matter and whether the complaint remains ongoing or is concluded. These methods are to ensure that officer time is not unreasonably expended responding repeatedly to unreasonable complaints.

- that all complaints must be put in writing only
- that telephone contact is prohibited
- that the Council will accept contact with the complainant via only one method of communication only (either in person, by telephone, letter, email or any combination of these)
- that all communication must be made to one named officer or email address only
- that unless in the case of an emergency response is due the complaints will be limited, for example, to once per week and/or
- that the Council has no option but to consider taking legal action

## **NOTIFICATION TO COMPLAINANT**

5.1 Once a decision has been made that this procedure shall apply, Adur Homes will notify the complainant in writing of:

- the reasons their conduct has been treated as unreasonable;
- the action that will be taken and details of any restrictions placed on the complainants contact with the council (see 7.1);
- How long any restrictions will last (for example 6 months, 1 year, etc); and
- The complainant's right to a review of the decision – see 6.1

## **REVIEW**

6.1 A review of the decision to treat the complainant as unreasonable will be carried out after a period of 6 months. The complainant will be informed of the outcome. If restrictions are to continue to be applied a new review date will be set.

## **REPETITIOUS COMPLAINTS**

7.1 If a complainant makes a complaint that is essentially about the same matter as

a previously concluded complaint and does not contain any new information, then in the event that the complainant has not used all stages of the complaints procedure they should be advised to proceed to the next stage up to and including the final stage of the relevant complaint policy or procedure.

7.2 If the complainant has had a decision from the Ombudsman that is not in their favour, then they should be advised in writing that the matter has been concluded and that Adur Homes will not respond to any further correspondence or complaints relating to the same issue. Where a complaint is under consideration, new items, unless they relate in substance to the matter which is being considered, cannot be added for consideration, and will need to be the subject of a further complaint.

## **COMPLAINANT CONDUCT**

8.1 In some circumstances the conduct of the complainant will be such that it is causing nuisance or annoyance and if at any time a member of the Council's staff feel that they are being abused, threatened, or harassed by a complainant this must be addressed.

8.2 Where the conduct of the complainant is such that it is threatening, abusive or constitutes harassment, further action may include restricting the complainant's contact with the Council in accordance with this procedure and/or taking steps in accordance with the Council's Customer of Concern Protocol.

## **RECORD KEEPING**

9.1 Records of all decisions relating to this procedure will be kept. Such decisions for which records will be kept include but are not limited to:

- When a referral under Section 3 of this procedure is made
- When any decision is made because of such referral to include:
  - A decision not to apply the procedure
  - A decision to make an exception to the procedure once it has been applied
  - A decision to apply the procedure



ADUR DISTRICT  
COUNCIL

**Adur Homes**

# **Interim Compensation Policy**

**Adopted:**

**Review Date: March 2024**

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## **1. Aims and Objectives**

- 1.1 Adur District Council (“ADC”) is committed to providing an excellent service to its customers at all times, however, we recognise that there will be occasions when our services may not meet these high standards and customers are inconvenienced as a result.
- 1.2 Where a complaint is justified, an acknowledgement and apology will normally be sufficient. However, we recognise that where a complainant has suffered some disadvantage, inconvenience or loss as a result, other remedial action may need to be considered. This includes financial compensation.
- 1.3 This policy applies to tenants and leaseholders of ADC. It covers both mandatory compensation and discretionary compensation. Discretionary compensation relates to loss, damage or inconvenience due to a failure in service.
- 1.4 The aims of the Compensation Policy to make it clear the circumstances in which compensation will be paid
  - To ensure fairness and consistency when calculating compensation
  - To provide guidance on how and when compensation can be claimed
- 1.5 While each case will be considered individually based on the circumstances, this policy aims to promote a consistent approach that is reasonable, fair and treats all customers equally.

## **2. Scope**

- 2.1 This policy outlines the circumstances when we might pay compensation to a tenant or leaseholder.
- 2.2 This policy does not apply to people who may be occupying any of our properties by way of license, or to other members of the public to whom we do not have a housing related contractual relationship.
- 2.3 This policy should be read in conjunction with ADC Housing Complaints Policy.

## **3. Legal Framework**

- The Commonhold and Leasehold Reform Act 2002
- The Secure Tenants of Local Housing Authorities (Right to Repair) Regulations – Statutory Instrument 1994 No. 133

- The Housing Act 1985 and the Secure Tenants of Local Authorities (Compensation for Improvements) Regulations 1994 – Statutory Instrument 1994 No. 613
- The Leasehold Reform, Housing and Urban Development Act 1993
- The Land Compensation Act 1973 as amended by the Planning Act 1991
- The Secure Tenants of Local Housing Authority (Compensation for Improvements) Regulations 1994 and Local Government 2000 and Home Loss Payments (Prescribed Amount) England Regulations 2007, 2020 and 2022.

#### **4. Circumstances in which Compensation will be Issued**

4.1 There are two types of compensation covered by this policy: compensation that ADC is obliged to pay (mandatory compensation required by law), and discretionary compensation which we can choose to pay where circumstances warrant.

4.2 **Mandatory Compensation** - ADC is obliged to award mandatory compensation under:

##### **4.2.1 Right to Repair**

The Right to Repair scheme sets out certain repairs that require completion within a certain timescale. Such repairs include small repairs which can be done quickly and easily and urgent repairs where there is a possible risk to health, safety and/or security. These repairs are known as 'Qualifying Repairs'.

Adur District Council is developing its approach to qualifying repairs and these will be added to the Compensation policy following consultation with Adur Homes Management Board.

##### **4.2.2 Improvements**

Customers may be entitled to claim compensation for improvements that they have carried out to the property. Any such entitlement is an entitlement to compensation (in certain circumstances), not an entitlement to improve.

Adur District Council is developing its approach to compensation for improvements and these will be added to the Compensation Policy following consultation with Adur Homes Management Board.

##### **4.2.3 Home Loss and Disturbance**

Where a customer is required by ADC to move to another property, compensation will be paid by way of a Home Loss and/or Disturbance payments. Such payments are made in recognition of the personal distress and inconvenience experienced by customers who need to leave their home through no fault of their own.

#### **4.2.4 Right to Buy**

Customers who have made an application to buy their home are entitled to claim compensation if the sale has not completed within the statutory timescales, as a result of ADC's inaction. By way of compensation, ADC will deduct a sum from the final purchase price, calculated by multiplying the weekly rent by the number of weeks that the sale has been delayed.

To make a claim for such compensation, the customer is required to (1) provide an "Initial Notice of Delay" form to ADC, providing one month in which to resolve the delay and (2) provide a further "Operative Notice of Delay" form, if the delay is not resolved within that month.

#### **4.3 Discretionary Compensation** – ADC may pay discretionary compensation in the following circumstances:

##### **4.3.1 Loss of Room or Facility**

Compensation in the form of a rent rebate may be paid when a customer is not able to use a room(s) in their home because of a repair issue that is our responsibility, and which caused prolonged and unreasonable disruption. We may not pay compensation for a fault or loss that is caused by the customer's misuse, negligence or damage.

##### **4.3.2 Failure of Amenity or Service**

Compensation in the form of a service charge refund may be paid when a service that is charged for via service charge, and is the responsibility of ADC, has failed and the deadline for completing the repair has passed. Compensation may not be payable if the loss is due to planned works agreed in advance with the customer or the loss of facility is caused by a utility supplier or the customer's misuse, negligence or damage.

##### **4.3.3 Damage to Decoration or Fixtures**

While carrying out repairs, improvements or other works there may be unavoidable damage to a customer's decorations or fixtures. ADC will endeavor to identify possible damage before starting any works and will discuss with the customer options available to minimise the damage. Where decorations or fixtures are damaged as a result of works carried out by ADC or its agents, the resident may be offered the choice to allow ADC or its agents to rectify the damage or be paid an allowance to carry the work out themselves. ADC will consider the value of the fixtures at the time of the loss and/or damage rather than the full replacement value.

#### 4.3.4 Failure to follow Housing Landlord Service Procedure, Policy or Guideline

In these circumstances' compensation may be paid as a gesture of good will and will be paid without prejudice. Compensation will only be considered where the customer has experienced actual and proven financial loss and/or severe avoidable inconvenience, distress, detriment or other unfair impact of service failure. ADC will not pay compensation for loss of earnings due to service failure. However, may offer a goodwill payment in recognition of the time and trouble the customer may have taken to get the issue resolved.

### 5. Circumstances in which Compensation will Not be Issued

5.1 This policy does not cover the following claims:

- Claims that are covered by ADC's liability insurance
- Claims that would normally be dealt with by ADC's insurers
- Claims that should be covered by a home contents insurance policy, this includes damage to a customer's belongings such a floor coverings caused by flood or fire
- Claims for personal injury
- Claims for loss of earnings
- Claims where a legal claim has been issued

5.2 ADC will not consider making an offer of compensation where:

- The loss damage or service failure was caused or significantly contributed to by the customer, a member of their household or visitor. This includes a failure to report a repair promptly or to keep an appointment
- The cause of the loss, damage or service failure was reasonably unforeseeable and/or caused by a third party and/or ADC had no control over the cause. This includes a water leak from a neighbouring property not owned by ADC
- The cause of loss damage or service failure was the result of extreme or unforeseen conditions. This includes adverse weather
- The cause of loss of amenity such as the supply of gas, electricity or water is outside of ADC's control

5.3 Compensation under this policy is not intended as a substitute for home contents insurance. Customers should ensure they have sufficient home contents insurance to cover damage to their property that occurs through no fault of ADC.

5.4 Compensation is not automatic and will not apply where a service failure or mistake has not caused any inconvenience or loss and has been easily and quickly remedied.

## 6. Investigating Claims and Calculating Compensation

6.1 ADC will investigate all claims thoroughly. Officers investigating claims should consult all relevant service area policies, procedures or guidance in determining whether or not ADC is responsible for the service failure.

6.2 Where it is determined that discretionary compensation is appropriate, the amount of compensation should be fair, reasonable, justifiable and proportionate in the circumstances of the case. Officers are expected to use their reasonable discretion when considering individual cases.

6.3 Prior to a payment of compensation being offered to the customer the appropriate authorisation must be obtained, as follows:

Level of impact	Inconvenience cause	Compensation up to maximum of from 2023/24	Authorisation level
	One instance of mild inconvenience caused by RBC	£100	Manager
	A succession of service failures and/or the problem has not been resolved within a reasonable timescale	£250	Head of Housing/Technical Services
	Serious or prolonged service failure resulting in severe stress, disruption, inconvenience, or loss of income	£500	Corporate Head of Housing

6.4 Each case will be considered on an individual basis and take into account all relevant known circumstances and supporting evidence. Reports of loss or inconvenience will be investigated and where appropriate compensation will be offered. In determining an appropriate discretionary compensation payment, all relevant circumstances of the matter will be taken into account, including:

- Duration of the issue
- Circumstances of the customer and their household, including any vulnerabilities or specific needs

- Quantifiable financial loss that would otherwise have not been incurred. Quantifiable loss could include: increased heating bills due to disrepair, having to pay for alternative accommodation or take away food, paying for cleaning or carrying out repairs where Adur Homes has failed to meet its obligations. Any such costs must have been reasonably incurred and evidence of such loss has been provided.
- Unquantifiable financial loss that would otherwise have not been incurred
- Distress and inconvenience to the customer as a result of the service failure and in seeking to resolve the issue
- Time and trouble of the customer
- Actions of the customer, household or visitor, whether the mitigated or contributed to any loss damage distress or inconvenience
- The levels of compensation awarded for similar cases by the Housing Ombudsman

## 6.5 Assessment Guidance

### 6.5.1 Delay and Distress

	Impact on Customer			
Level of ADC's Responsibility	No Impact	Low Impact	Medium Impact	High Impact
None	£0	£0	£0	£0
Partial	£0	£50	£175	£250
Full	£25	£75	£250	£500

Compensation payments for delay and distress will be made based on the level of ADC's responsibility for the loss or inconvenience and the degree of impact on the customer. This matrix sets out the maximum payment that can be made.

#### Low Impact

Where the complaint is upheld but no significant inconvenience or distress was caused, and the impact has been no more than a reasonable person could be expected to accept. Any compensation is offered as a token in acknowledge of ADC's responsibility.

#### Medium Impact

Where inconvenience and/or distress has clearly been caused. A repeated failure of a low impact event could result in the impact being increased to medium impact.

## **High impact**

Where there is a serious failure in service. This could either be due to the severity of the event and/or a persistent failure over a prolonged period of time, or where an unacceptable number of attempts to resolve the complaint have failed.

### **6.5.3 Gesture of Goodwill**

ADC may decide, even without acceptance of fault, to offer a gesture of goodwill. This can take the form of a physical, token or financial gesture. Such gestures of goodwill will be considered on a case by case basis but should not normally constitute more than a value of £25.

- 6.6 The relevant officer will decide on a case by case basis the most appropriate way to pay the compensation. ADC will provide an explanation of how the discretionary compensation has been calculated so that the customer is clear as to the basis for the payment.

## **7. Payments**

- 7.1 Confirmation of an offer of compensation will be confirmed to the customer in writing. A customer is required to confirm in writing their acceptance of the offer prior to any payment being issued.
- 7.2 ADC considers acceptance of discretionary compensation to be a full and final settlement of a case. Cases will not be reopened, nor further compensation considered via the same or alternative process unless the circumstances of the original case have significantly changed or escalated.
- 7.3 Any payment or other form of discretionary compensation under this policy is not an admission of liability by ADC.
- 7.4 Where the customer owes money to ADC in connection to housing services, such as rent or service charges, any compensation will be credited directly to the relevant account by way of offset against the balance owing. The exception to this is if the compensation offered is intended to be used for a specific purpose, for example, to replace a damaged item. In such circumstances, the payment of compensation will be made to the customer.

## **8. Appeal and Review**

- 8.1 A customer can appeal the refusal of any claim for compensation or the level of compensation awarded under this Policy.

8.2 Where a customer seeks to make an appeal, they should do so by making a formal complaint through the Adyr Homes Complaint Policy.

## **9. Other remedies**

9.1 It may be appropriate that other action is taken to remedy a complaint either separately from or in conjunction with an offer of financial compensation. These may include practical action – such as remedial decorations which might otherwise be the customer’s responsibility, or non-financial gestures of goodwill.

## **10. Compensation Payments Ordered by the Ombudsman**

10.1 When a complainant escalates a complaint to the Housing Ombudsman Service, having exhausted ADC’s formal complaints process, ADC will pay compensation and/or carry out works or follow action to comply with the Housing Ombudsman’s recommendation.

## **11. Performance Monitoring**

11.1 ADC will review its services with the aim of achieving continuous improvement and to ensure compliance with best practice.

11.2 ADC will monitor its performance in acting and learning from complaints – ADC notes that compensation payments are relevant to this.

11.3 To help achieve ADC’s aims of ensuring continuous improvement in the services it provides and to ensure that all statutory obligations are met, systems and processes will be implemented to monitor and evaluate performance.

## **12. Review of Compensation Policy**

12.1 This policy will be reviewed after year 1 to evaluate its effectiveness and after that every 5 years unless there is a change in legislation or regulation.

12.2 Statutory amounts that are subject to annual uplift will be automatically added without the need for the entire policy to be reviewed.

12.3 Where there has been a change in legislation which has an impact on the policy, the policy will be reviewed within a reasonable time of the legislation or regulation coming into effect.

## **13. Equality and Diversity**

13.1 ADC will ensure that this policy is applied fairly and consistently to our customers.

13.2 This policy will be implemented in accordance with ADC’s Equality and Diversity Policy.

13.3 This policy and any other related publications of ADC are available in other formats upon the request of a customer