

SAFETY ASPECTS OF BUILDING MAINTENANCE POLICY

1.0 INTRODUCTION

- 1.1 This policy describes Health and Safety requirements related to maintenance within properties. This includes our responsibilities as a landlord, as a tenant where we have agreed as part of the relevant lease to assume such responsibilities, as possible responsible persons (e.g. regarding Gas legislation) and as providers of support to service users.
- 1.2 The Reactive Repairs, Cyclical and Planned Maintenance Policy ref: M01 describes our arrangements for providing an appropriate repairs and maintenance service, including the measures required to ensure compliance with health and safety legislation.
- 1.3 Further guidance on specific aspects of this policy is given in Part Two.
- 1.4 This policy has the following sections:
 - Section 1 - Introduction
 - Section 2 - Scope of policy
 - Section 3 - Legislation
 - Section 4 - Definition and background
 - Section 5 - Implementation
 - Section 6 - Roles, responsibilities and duties
 - Section 7 - General maintenance information
 - Section 8 - Gas
 - Section 9 - Electricity
 - Section 10 - Solid Fuel
 - Section 11 - Asbestos
 - Section 12 - Legionella
 - Section 13 - Contractors
 - Section 14 - Implementation and review
- 1.5 This policy complies with The Scottish Housing Regulator Standards of Governance and Financial Management 5.3 and 5.4.

2.0 SCOPE OF POLICY

- 2.1 The policy applies to all ARK employees, Board Members and to all people using and/or visiting the workplace e.g. visitors, relief employees, agency staff, contractors, service users, etc. as applicable.

3.0 LEGISLATION

3.1 Health and Safety at Work etc. Act 1974

The Health and Safety at Work etc. Act 1974 is the overall Act under which specific regulations are made. For some of the topics in this policy there are specific regulations. Others come under the general duty of care arising from the Act. The general duty placed on employers by the Act includes health as well as safety and welfare.

3.2 Specific Legislation

Specific legislation includes the following Regulations applicable to the relevant subject:

- Gas Safety (Installation and Use) Regulations 1998
- Control of Asbestos Regulations 2012
- Electricity at Work Regulations 1989
- Construction (Design and Management) Regulations 2007 – revised regulations due in 2014
- Control of Substances Hazardous to Health Regulations 2002
- Legionella - L8 approved code of practice for the control of legionella bacteria in water systems.

4.0 DEFINITION AND BACKGROUND

Duty of care

4.1 As landlord we have a health and safety duty of care to our tenants to ensure that our properties (housing stock) do not pose any risk, i.e. the properties are suitably maintained and that any requirements of Health and Safety legislation are carried out within the appropriate timescales.

We also have a health and safety duty of care to our employees and visitors to ensure that our properties (e.g. offices etc.) are suitable for use and maintained to an adequate standard.

4.2 Although we have no legal duty of care for property maintenance where the service user is a tenant of another landlord (e.g. another Housing Association, a Local Authority or private landlord etc.) or where they own their own home, we may advise and support service users in ensuring that their properties are safe to use and suitably maintained, where appropriate.

Gas Safety

4.3 Gas legislation states that where someone is not capable of ensuring gas safety then the responsible person for them has this responsibility. This is interpreted as the service user's family, Guardian or ARK Manager.

Safety in Service Users' homes

4.4 The type of support we provide may require us to ensure the safety of Support Workers from physical hazards such as faulty electrical appliances etc. The policy 'Your Home, My Workplace' ref: HS19 should be read along with this policy in these circumstances.

Contractors

- 4.5 We have a health and safety responsibility to ensure that Contractors are working in a safe manner and without posing any additional hazards and risks to employees, services users, tenants or third parties. This includes short term work as well as longer term projects such as refurbishment.

5.0 IMPLEMENTATION

- 5.1 This policy and guidance will be implemented in accordance with our Health and Safety Policy which details the responsibilities of the organisation, Managers and employees. The Health and Safety Manual provides additional information and guidance on responsibilities.
- 5.2 Any breaches of the policy should be reported to an employee's ARK Manager.
- 5.3 Breaches of this policy will be viewed seriously and will be dealt with in accordance with our Disciplinary Policy and Procedures. The severity of discipline will reflect the fact that non-compliance breaches not only this policy but also the Health and Safety Policy and the law.

6.0 ROLES, RESPONSIBILITIES AND DUTIES

6.1 Director of Finance

The Director of Finance is responsible for ensuring that there are appropriate policies and procedures in place covering all aspects of the maintenance of our properties.

6.2 Directors and ARK Managers

Directors and ARK Managers should ensure that: -

- all the properties within their department/remit are adequately maintained;
- there are suitable procedures for reporting faults and that these are actioned within an appropriate timescale relating to the risk associated with the fault;
- there are suitable arrangements to provide information, instruction, training and supervision in all aspects of this section of the safety manual to employees;
- all work practices and arrangements are made with reference to the requirements of our Health & Safety policy.

6.3 ARK Managers

ARK managers are responsible for the implementation and operation of this policy in respect of all premises within their remit. ARK managers should ensure that:

- all employees they line manage are informed of the detail of this section of the Health and Safety manual;
- repairs required are reported to the relevant people and are actioned within an appropriate timescale relating to the risk associated with the fault;
- any Contractors who are working on their site are advised of any relevant Health and Safety procedures e.g. contractor safety induction, fire evacuation procedures, particular hazards etc.

- the requirements of this section of the Health and Safety manual are complied with by employees;
- any breaches of these requirements are handled in accordance with HR policies;
- all necessary risk assessments are completed and available for relevant employees to view;
- any procedures developed for the ease of implementing this policy are followed e.g. repair reporting procedure.

6.4 Employees

All employees have a responsibility to ensure that they are complying with the health and safety procedures and requirements appropriate to their work. To achieve this employees should:

- attend any training courses or briefing sessions arranged for them;
- report any defects to their ARK manager or appointed person;
- report any outstanding repairs within a reasonable timescale which have not yet been actioned;
- assist with supporting service users to report faults to the relevant party, where appropriate.

7.0 GENERAL MAINTENANCE INFORMATION

7.1 The Maintenance Section has policies and procedures covering all aspects of maintaining our properties, including reporting faults and regular or 'planned' maintenance. These can be found in the Maintenance section of the Policies & Procedures folder on the General drive.

7.2 Where the property is a non-residential property, e.g. an office, and is not owned by ARK, the terms of the lease should specify who is responsible for maintenance and repairs. Where the lease passes this duty to the leaseholder (i.e. ARK) then we will consider having these properties maintained under our arrangements and in accordance with our procedures, to provide consistency and ensure an overall property standard.

7.3 Only approved Contractors should be used (see section 13 below).

7.4 Where we are not the landlord, service users may wish support in ensuring that their landlord is fulfilling their legal requirements.

Private home owners may wish support in setting up their own maintenance procedures e.g. for annual gas boiler checks etc.

8.0 GAS SAFETY

8.1 The Gas Safety (Installation and Use) Regulations 1998 require landlords to carry out safety checks on gas appliances and their flues etc. at least once every 12 months. It is the landlord's responsibility to ensure that this is carried out and the tenant's responsibility to ensure access at a reasonable time.

8.2 The risks from gas include: incomplete combustion, leaks and blocked flues. Incomplete combustion is when there is not a sufficient air supply to allow the gas to completely burn, causing carbon monoxide to be produced. Blocked flues do not allow the by-products from the

combustion to escape adequately which can also lead to a build up of carbon monoxide.

In work places such as offices a carbon monoxide alarm situated close to a gas boiler should be in place and checked on a weekly basis.

- 8.3 Where a service user is a homeowner, we may provide information to assist in any decision they may wish to make regarding entering into a contract with an appropriate provider to carry out this test for them.
- 8.4 Where gas bottles or cylinders are used and Support Workers are required to change these for a service user then a written procedure is required and the Support Worker MUST have attended a training course on how to do this. This will also include the moving and handling aspects of this activity.
- 8.5 Certain gas escape / poor fittings of gas equipment are reportable to HSE / RIDDOR. ARK staff must contact ARK H&S Adviser immediately after calling the Gas Emergency hotline if you have a gas related / carbon monoxide incident

9.0 ELECTRICAL SAFETY

- 9.1 The legislation applicable is the Electricity at Work Regulations 1989.
- 9.2 These Regulations require employers to ensure that all portable electrical equipment in all work places is safe and suitable for use. Portable electrical appliances will be tested on a regular basis (commonly known as PAT testing). The recommended frequency of testing varies depending on the appliance and its use. Our policy is that we will test portable equipment annually.
- 9.3 The term 'portable appliances' refers to all electrical equipment that can be moved e.g. photocopiers, washing machines etc.
- 9.4 The Maintenance Section will arrange for PAT testing via suitable Contractors and will advise each location of when the testing will occur. Managers should ensure that all appliances requiring testing are brought into the location on time for testing.

Any appliances that fail the test will be labelled and should not be used until repaired or replaced.

- 9.5 Fixed electrical installations require to be tested every 5 years. In Community Houses the frequency is every 3 years. In housing stock electrical tests will also be carried out when a property becomes vacant.
- 9.6 The term 'fixed electrical appliances/installations' generally refers to wiring systems.
- 9.7 The risks from electricity include: electric shock or electrocution if in contact with live electricity either through working practices, e.g. when repairing equipment, through damaged equipment or cables, or through using appliances too near water sources such as sinks etc. Staff should contact ARK Property & Maintenance or the landlord as appropriate for any technical electrical work that has to be carried out by a qualified electrician.
- 9.8 Use of electrical appliances and visual checks etc. are also covered in the policies 'Your Home, My Workplace' (HS19) and 'Office Safety' (HS18). Any defects should be reported in accordance with the relevant repair procedure, i.e. either to our Maintenance Section or to the relevant landlord. The appliance may have to be taken out of use until there has been a repair

or replacement.

- 9.9 The repair and maintenance of computer equipment carried out in-house requires to have risk assessments carried out, with safe systems of work developed for each type of operation, particularly when the equipment has to be maintained whilst still 'live', remembering that residual battery power can be present.
- 9.10 Any electrical incident that starts a fire / explosion caused by electrical short circuit or overload which causes a significant risk of fatality or suspension of work for over 24 hours must be reported to ARK's H&S Adviser, who will contact HSE / RIDDOR.

10.0 SOLID FUEL

- 10.1 Solid fuel refers to coal or logs and the legislation which applies is the general duty of care under the Health and Safety at Work etc. Act 1974.
- 10.2 ARK owned properties do not have solid fuel in use. It is also unlikely that private accommodation where ARK provides support to service users has solid fuel heating in use. If you solid fuel is found in any homes where we provide support please contact ARK Health and Safety adviser for advice and guidance.

11.0 ASBESTOS

- 11.1 The Control of Asbestos Regulations 2012 requires employers to ensure that the exposure of employees and others to asbestos is controlled and licensed as applicable.
- 11.2 Asbestos poses a risk when its fibres become airborne and can be inhaled. It is no longer used in manufacturing or construction but can still be present in older buildings. It can also be present in artex. The risk from asbestos occurs when it is disturbed during work, e.g. when drilling into walls, removing old radiators, plumbing work, electric cable renewal, major refurbishment removing artex etc.
- 11.3 For all premises the location of asbestos should be identified, its condition assessed and this information recorded in an Asbestos Log Book for the premises. Where the asbestos is sealed and in good condition then there is no requirement to remove it at present. However, when any works are to be undertaken which may disturb the asbestos this information should be passed to the Main Contractor who has to decide if the work is licensed or non licensed asbestos work according to regulations.
- 11.4 Asbestos in poor condition should be removed by a suitably licensed Contractor who will also test to ensure that there is no residual asbestos left in the air and this information will be recorded in the premises' asbestos log book.

12.0 LEGIONELLA

- 12.1 Legionella does not have its own specific legislation but is covered in the Control of Substances Hazardous to Health Regulations 2002. The Health and Safety Executive have an Approved Code of Practice (ACOP L8) to provide employers, statutory duty holders and industry operator's clear guidance on how to achieve compliance with legal requirements.
- 12.2 Legionella is present in water systems and is 'active' between 20-45C. It becomes a hazard when the water is changed into a spray e.g. in showers, cooling towers etc. The risk is to susceptible people who inhale these water droplets, e.g. the elderly, people with lung conditions etc. The risk can be controlled by not allowing water to lie for long periods within

pipes and by regular cleaning of high risk systems.

- 12.3 We will risk assess our premises for legionella and its possible impact on employees, service users and/or third parties. Identified premises will have their water systems regularly checked and may also have their water systems regularly cleaned.
- 12.4 It will be the responsibility of the ARK Manager to ensure that any measuring of water temperatures is carried out, recorded, and appropriate action taken if necessary.

13.0 CONTRACTORS

- 13.1 The Construction (Design and Management) Regulations 2015 (CDM) and the general duty of the Health and Safety at Work etc Act 1974 (HSWA) apply when using Contractors for any works.

CDM applies to all construction and refurbishment work and notification depends on length of days on a construction project. Notifiable work which is over 30 days and has more than 20 workers working simultaneously at any point or exceeds 500 person days has to be notified to the Health and Safety Executive (HSE) using the F10 form available on HSE website.

HSWA although it applies to all work situations, with particular reference to Contractors it requires employers to ensure that Contractors will work safely and are working safely.

- 13.2 We will only use 'Approved Contractors' who have satisfactorily completed the required checks to ensure that they comply with relevant Health and Safety legislation and other standards.
- 13.3 In order to ensure that Contractors are following the required safety arrangements regular checks throughout the period of work will be made. The frequency of these checks and their content will depend on the work being undertaken and its frequency.

These checks will normally be carried out, or arranged, by Maintenance staff though it is also expected that Managers of premises will oversee general maintenance work.

14.0 IMPLEMENTATION AND REVIEW

- 14.1 The Chief Executive is responsible for ensuring that this policy, and the procedures that support it, are followed by all Board Members and employees.
- 14.2 The Chief Executive will ensure that this policy is reviewed at least every three years, and that any amendments required are submitted to the Board of Management for approval.

Approved by Senior Leadership Team: February 2017

Approved by Board of Management: March 2017

Next review due by: February 2020

Complies with: The Scottish Housing Regulator Standards of Governance and Financial Management 5.3 and 5.4.

RELATED POLICIES & PROCEDURES

Policies

[M01 Reactive Repairs, Cyclical & Planned Maintenance](#)

[HS18 Office Safety](#)

[HS19 Your Home, My Workplace](#)

Procedures

[M11 Reactive Repairs](#)

[M14 Right to Repair](#)

[M16 Inspection and Servicing of Gas Heating Appliances](#)

[M17 Electrical Safety Checks](#)

[M18 Control of Asbestos](#)

[M19 Legionella Water Temperature Testing](#)

[M22 Approved List of Contractors](#)

[M23 Planned Maintenance and Repairs](#)

Briefing Sheet

HS13 – Safety Aspects of Building Maintenance