

Gateway customer guide to:

Health & Safety for Flats and Developments

Factsheet

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Health & Safety for Flats and Developments

Overview

As a leading property managing agent, we take our clients Health and Safety responsibilities seriously. This includes carrying out risk assessments of properties under our care where we are instructed to do so.

All of our clients from large institutional investors to Directors of a Residents Management Company (RMC) or Right To Manage Company (RTMC) should be familiar with all relevant Health and Safety matters. Every year, there are criminal prosecutions over major breaches of the laws.

Residents and Directors should also read our separate fact sheet, 'Fire Safety for Flats'.

Carrying out risk assessments

We cover all communal areas

UK Health and Safety Law requires that all blocks of flats have a risk assessment carried out to the common parts, including hallways, stairwells and outside shared space. Communal areas can also include less obvious areas, from plant rooms to roofs.

We arrange for specialist consultants to carry out risk assessments on behalf of our clients. This may cover a range of matters, from fire and electrical equipment safety to the control of substances hazardous to health and other statutory obligations. We keep a record of all risk assessments carried out, in keeping with best practice.

Performing Health and Safety risk assessments are a legal duty, falling under the Management of Health and Safety at Work Regulations 1999. These regulations safeguard residents and workers entering communal areas.

Enforcing Health and Safety

In many cases, this will be the Health and Safety Executive (or HSE, for short). Failing that, it will be either the local authority or the fire service. Landlords or property managers who don't act on HSE requests may be prosecuted.

An important note for RMC and RTMC Directors

Directors of Residents Management Companies (RMCs) or Right To Manage Companies (RTMCs) should take note. Major breaches of Health and Safety Law can result in criminal prosecutions, under the Corporate Manslaughter Act of 2007. Even where property management has been delegated, Directors are ultimately responsible, with fines for offences which could run into thousands of pounds. If you're a Director and are uncertain of your responsibilities, make sure you get good legal advice.

Other important regulations

Several Health and Safety regulations protect a company's employees and contracting staff. From grounds people to window cleaners, the following requirements should be met when carrying out work in common parts.

- Control of Substances Hazardous to Health (COSHH) for hazards and risks where staff are working or visiting the workplace. COSHH covers everything from paints and cleaning materials used and stored to fumes and excessive dust generated while working.
- Electrical safety best practices: all electrical equipment has to meet the appropriate EC Directive (carrying the CE mark) and is maintained and tested regularly, as recommended by the Electrical Safety Council (ESC).
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) to the HSE: this includes 'near misses' and possible future risks, such as potentially hazardous gas installations.
- Working at height (Work at Height Regulations 2005): to avoid accidents, all such work should be properly planned and carried out by competent people, using the right equipment. Directors of RMCs and RTMCs have responsibilities here, even if delegating management duties. For example, before using window cleaners for a block of flats, there will need to have been a thorough risk assessment.

Health and Safety matters

Asbestos materials

Control of Asbestos Regulations 2012 relates to properties built prior to 1999. If asbestos containing materials (ACMs) are found in any communal areas, such as in a block of flats' roof space, this needs to be managed carefully. Best practice should be followed, including conducting relevant surveys, keeping the appropriate asbestos register up to date and putting the right policy in place to control and manage the material, as advised by specialists.

If work is required where there is asbestos material, this will fall into one of the following three categories:

- 1 non-licensed work where the risk is identified as low; despite this, all workers must be properly trained and certified as competent to handle asbestos material
- 2 non-licensed work that is notifiable to the HSE; this is for activity which is below the 'control limit', either because the asbestos is coated, covered or makes up part of another material
- 3 licensed work by the HSE for the most harmful of asbestos; this material tended to have been sprayed on as insulation or used for lagging in the past, before its use was banned.

Electrical safety

It is a requirement that fixed wiring and portable electrical equipment in common parts of a block of flats are tested in line with the Electricity at Work Regulations 1989. Lifts also have to be maintained and inspected regularly (as per the Lifting Operation and Lifting Equipment Regulations 1998 and relevant Safety Assessment Federation (SAFed) Guidelines).



Fire safety

Meeting fire safety requirements is critical to people's lives, property and belongings, especially in blocks of flats. Landlords, tenants and homeowners all have responsibilities regarding this vital matter. And every resident should know what to do in case of a fire.

- The Regulatory Reform (Fire Safety) Order (RRO) 2005 requires 'responsible persons' to carry out, implement and maintain a fire safety risk assessment, covering common parts, and for this to be followed by anyone in control of the property.
- Fire safety risk assessment objectives are clear: to identify and provide adequate fire precautions and procedures to make sure everyone living in, visiting or working in the property is safe.
- Fire officers have the right to check every detail meets the law.
- Individual flats are not covered by this Order.

Fire risk assessments should be regular and evolve, for example taking into consideration physical alterations to a property.

- A fire risk assessment considers a wide range of areas, including people's safety in the building, flammable materials, measures for smoke detection, fire-fighting equipment, fire doors, escape routes and evacuation procedures.

Fires start in individual flats, rather than communal areas

This is the conclusion of extensive research, with overloaded electrical sockets, frying pans on gas hobs, lighted candles and neglected, still lit cigarettes all major fire causes. The best ways to protect homes and households include:

- fitting approved smoke alarms in the right places inside individual flats
- testing smoke alarms regularly
- keeping doors closed inside flats
- keeping communal areas clear, including removing doormats outside flat doors which could block an escape route in an emergency
- making sure the front door is fit for purpose and meets modern fire standards.

Know what to do in a fire

Every resident should know the evacuation procedures in case of a fire in their building, and what to do in the event of being trapped. Never put yourself at risk and, having evacuated the building, do not return to your flat until the authorities tell you it's safe to do so.

Read our separate fact sheet, 'Fire Safety for Flats'.
Go to: gatewayplc.co.uk/factsheets



Gas Safety

Landlords of rented properties need to comply with the Gas Safety (Installation and Use) Regulations 1998. Gas appliances in certain cases, and all pipework, fittings and flues must be maintained properly, serviced and checked – at least annually – so these operate safely. Only a ‘Gas Safe’ registered engineer can carry out this work. Tenants can ask to see a record of their annual gas safety check and every new tenant should receive a copy of the latest record before moving in. Landlords should also inform tenants on what to do in a gas emergency and how and where to turn off the gas supply.

Where tenants have their own gas appliances, the landlord is responsible for maintaining the gas pipework, but not the appliance.

Housing Health and Safety Rating System

This system (HHSRS) is now used to assess housing conditions and applies to all residential properties. It adopts a risk-assessment approach to reducing risks from hazards to health and safety, and covers all the key issues. The system is there to ensure residents and visitors are always in a safe environment and, to date, has largely been used by public sector landlords.

Legionella

Landlords are responsible for controlling the risk of legionella (bacterium found in water systems) from developing in water pipes, tanks and taps of communal supplies. This includes conducting a specialist risk assessment and monitoring the quality of water supply where there are shared tanks or where water is not supplied directly from the utility company. In most cases, showers, taps and cold water tanks inside individual flats are the responsibility of the leaseholder.

Major works

Where major works are required – such as structural improvements or repainting exterior and communal areas, it is a requirement that the Construction (Design and Management) Regulations 2015 are met. These regulations help to make sure that all relevant health, safety and welfare matters are thoroughly considered before starting a project, from planning the works in detail to reducing or removing potential hazards and risks throughout the scope of work.

Read our separate fact sheet, 'About major works'.

Go to: gatewayplc.co.uk/factsheets

Smoke-free law

All internal communal areas of blocks of flats, and any staff offices, need to be kept free from cigarette smoke. This is a legal requirement, which extends to external structures with partially open sides. No-smoking signs should be displayed in communal parts and fines for smoking can be costly.

This regulation does not apply to individual flats.



