Housing Revenue Account Statutory Maintenance & Compliance Policy

# Introduction

The aim of this policy is to provide guidance on the way in which Medway Council (the Council) Housing Services will manage it duties of statutory compliance under the Health & Safety at Work Act 1974 and all regulations and/or codes of practice to Council owned properties and communal areas.

# Policy Statement

Medway Council considers health and safety as paramount. It is the primary intent of this policy to outline our responsibilities and legal obligations within all relevant legislation and guidance documents, with the aim of eliminating and managing associated risks to all relevant persons utilising our assets and services.

This policy demonstrates our commitment to ensure full compliance with all legal, regulatory, and statutory requirements associated with the compliance servicing and maintenance within all buildings owned and managed by Medway Council.

The success of this policy depends on the positive working relationships between inter-departmental teams alongside external contractors, and the effective implementation of agreed procedures. All staff and contractors working within the field of compliance, servicing and maintenance must be competently trained with the relevant experience and qualifications to the satisfaction of Medway Council.

# Purpose

* 1. The purpose of this policy is to set out Housing Revenue Account (HRA’s) position on delivering our statutory compliance in line with the over-arching HRA Business Plan and Asset Management Strategy.
  2. The Council has a statutory duty to undertake certain areas of statutory maintenance in accordance with section 11 of the 1985 Landlord and Tenant Act. The Council also has a duty to ensure properties are fit for purpose in accordance with the Homes Act (Fitness for Human Habitation) 2019.
  3. The specific objectives of the Statutory Compliance Policy are:
     1. to comply with applicable statutory requirements and health and safety regulations.
     2. to ensure that where applicable statutory maintenance and improvements are completed right first time and in accordance with regulatory and government prescribed timescales;
     3. to ensure a cost effective, planned approach to statutory maintenance that demonstrates an appropriate balance of planned and responsive works.

# Scope

* 1. This policy applies to all tenure and occupancy types and Medway Council staff involved in statutory maintenance duties including contractors and sub-contractors used on the Councils behalf.
  2. Under this policy are those carried out at a single property or communal area at the request of an individual customer or member of Council staff.
  3. The scope of this policy defines how HRA will manage and control the following statutory compliance work streams:
* Electrical Inspection Certificates and Reports
* Landlord Gas Safety Certificates
* Legionella Risk Assessments/Reviews
* Water Hygiene
* Fire Risk Assessments/Reviews
* Asbestos Management Surveys/Reviews
* Asbestos Refurbishment Surveys/Reviews
* Lightning Protection System Inspection and Certification
* Fire Protection Systems
* Pressure Systems
* Lifts and associated lifting equipment (stair lifts/mobile lifts)
  1. A comprehensive list of statutory maintenance carried out on HRA stock can be found in the table below:

|  |  |
| --- | --- |
| Compliance Workstream | Frequency |
| EICR – Housing | Future – <5Years (post White paper Actions)  On void works as required |
| EICR – Common Parts | Future – <5Years (post White Paper Actions) |
| LGSR | <12 Months  <12 Months pipework soundness  On void works as required |
| Water Management – Common Parts | Outlet Flush <weekly  Outlet Temperature Checks <monthly/Annual  Shower Head Descale <3 months  L8 Risk Assessment <2 Years  L8 Risk Assessment Review <2years  CWS Inspection <12months  HWS Calorifier <12 months  Calorifier Blowdowns <12 months  Water Sampling < Annual  TMV Servicing/Sterilisation < Bi-Annual  Expansion Vessel Purge < 6 Monthly  Subordinate Loop Inspections < 3 Monthly |
| Asbestos Management | Common Parts Survey <24moths  Survey Review <24 months  ACM Management Inspection <3months (as required) |
| Lightning Protection | <12months |
| Fire Protection | Fire Alarm Detection < Bi-Annual service and test  AOV<Bi-Annual servicing  Dry Riser< Bi-Annual service/Pressure testing  Fire Extinguisher< Annual  Smoke Alarm<5years (along with EICR Housing)  Smoke Alarm<7years replacement  Smoke Curtain<6month maintenance  Smoke Curtain<12month inspection  Sprinkler system< Annual service  Fire Door< FRA and FRA Reviews  Fire Doors (11-18M Buildings) Communal < 3 Monthly  FED`s < Annual  Fire Damper<12month service |
| Portable Appliance | < Annual |
| Emergency Lighting | <1month -Flick test  <12months 3hr test (Drain down) |
| RCD Testing | <5years (during EICR)  On void works as required |
| PSSR | <6month insurance inspection |
| LOLER | Lift (Domestic) < 6 Month Insurance  Lift (Domestic) < Annual service  Lift (Passenger) < Monthly service |
| Fire Risk Assessment | FRA<24months  FRA Review<24months |

# Legislation and Guidance

* 1. External
     1. The Health and Safety Act 1974
     2. Landlord and Tenant Act (1985)
     3. Homes Act 2019
     4. Defective Premises Act, S.4 (1972)
     5. The Regulatory Framework for Social Housing in England from April 2015
     6. Control of Substances Hazardous to Health (COSHH) Regulations 2002
     7. Management of Health & Safety Regulations 1999
     8. Technical Guidance HSG 274 -Legionnaires Disease
     9. Lifting Operations and Lifting Equipment Regulations 1998
     10. Institute of Engineering and Technology BS 7671 Wiring Regulations 18th Edition
     11. The Regulatory Reform (Fire Safety) Order 2005
     12. Pressure Safety Systems Regulations 2000
     13. Gas Safety (Installation and Use) Regulations 1998
     14. Home Energy Conservation Act 2019
     15. Control of Asbestos Regulations 2012
     16. Smoke and Carbon Monoxide Alarm (England) Regulations 2015
     17. Social Housing (White Paper) 2020
  2. Internal
     1. HRA Business Plan and Asset Management Strategy
     2. Tenancy Management Policy
     3. Management of Fire Risks in Communal Areas Policy
     4. Water Management Plan and Policy
     5. Fire Safety Policy
     6. Gas Safety & Servicing Policy
     7. Management of Electrical Equipment Policy (draft)
     8. Housing Services’ Quality Policy
     9. Landlord Services Energy Efficiency Strategy
     10. Housing Services Health & Safety Policy Statement
     11. Asbestos Management Plan Policy
     12. HRA Electrical Management Policy
     13. Secure Tenancy Agreement
     14. QMS – TAHM – P8 Gas Servicing (Accessing Properties)
     15. Responsive Repairs Policy

# Policy

* 1. Medway Council will take all reasonable measures to establish effective systems to manage the risks associated with statutory maintenance and in accordance with the requirements of the above legislation and guidance will:
  2. Appoint a person(s) to take responsibility (the “Responsible Person” and “Deputies”) to control and manage the risk. The Responsible Person and their Deputies will have sufficient authority, competence, appropriate training and knowledge of current regulations and guidance to effectively carry out their duties and ensure that all operational procedures are carried out in a timely manner.
  3. Ensure all persons involved in the management and control of risk, or whose daily activity could impact on risk management controls, receive appropriate training. With regards to external suppliers, the Responsible Person will seek appropriate training and competency records of all engineers carrying out the required risk management tasks.
  4. Implement a programme of control of risks through suitable and sufficient Risk Assessments across all HRA housing stock and implement measures to remove, replace, minimise and/or control the associated risks.
  5. Maintain sufficient records of statutory maintenance and results of any inspections, tests, sampling, and other maintenance activities. Records shall be stored for a period of no greater than 5 years unless Statutory Legislation deems the length to be longer.
  6. Ensure the design for building services of new, refurbished, or modified properties complies with the requirements of this document.
  7. To maintain an open information policy and to work with residents, tenants, staff, contractors, consultants, statutory bodies to agree and deliver solutions for statutory maintenance activities.
  8. All compliance policies will be made available to staff via the company intranet. All employees have a duty to co-operate with supervisors and managers on all compliance matters and must not interfere with anything provided to ensure that HRA Housing Services meets its statutory and regulatory obligations. Tenants are communicated to through a variety of means to include:
* Tenant handbook which is available on the Medway Council internet page.
* Ah hoc customer focus groups
* Ad hoc safety messages are posted to relevant tenants as and when required
  1. To implement this document by empowering the designated ‘Responsible Person’ and/or the ‘Designated Deputy’ with the appropriate training, specialist support and effective resources needed to safely manage statutory maintenance in HRA Housing Services properties.
  2. No variation to this policy or accompanying internal HRA Housing Services Policies will be allowed except following on from changes to business requirements, best practice, guidance or legislation.

# Role, responsibilities and authority

* 1. The key parties responsible and involved in the successful delivery of this policy are:
* Duty Holder
* Responsible Person
* Deputy Responsible Person

## Duty Holder

* 1. The duty holder has overall responsibility for management of statutory maintenance, to provide direction to ensure all other teams within Medway Council are aware of the necessary requirements of statutory maintenance

## Responsible Person(s) and appointed Deputies

* 1. The Responsible Person and appointed Deputies are responsible for implementation and management of the practical aspects of statutory maintenance in properties owned and managed by Medway Council, including the competence of all persons involved. Also, to establish and maintain direct lines of communication with the various operational parts of Medway Council business; specialist contractors and consultant, ensuring an efficient two-way exchange of information and records.

## Statutory Maintenance Service Providers

* 1. Statutory Maintenance Service Providers provide practical advice on management and the control of the risks of statutory maintenance; undertake risk assessment(s), surveys and reports; carry out monitoring, maintenance, testing, inspection, audits, trusted advisory and sampling of building services and their systems; and provide any training to Medway Council staff and service providers as required.

## Meetings

* 1. The Responsible Person and/or Deputy will hold regular review meetings with both the statutory maintenance contractor and consultant:
     1. Contractor - Meetings- Details, outcomes, and actions agreed in these meetings are to be recorded in writing and circulated to the various operational functions of Medway Council. The non-conformances identified in the meeting will be noted and reviewed for the next meeting. If the contractor is failing to fulfil their requirements Medway Council will follow the escalation procedure for failure to provide.
     2. Specialist Consultant - Meetings **-** Independent specialist consultants will be appointed to generally support Medway Council for statutory maintenance management including:
* Providing advice on current legislative requirements and best practice.
* Carrying out third party audits to ensure compliance with delivery of this Policy.
* Review and advice on the design of building services to new build schemes and major refurbishment.
* Carrying out statutory maintenance awareness training and refresher training.
  1. It is Medway Council duty to make reasonable enquiries to ensure that the consultant is competent, experienced, and suitably trained.

## Appointment of Management

* 1. Medway Council understand that all appointed management are competent, trained, and aware of their responsibilities. Responsibilities will be well defined in writing and understood by all appropriate management. The appointed management will be:
* Duty Holder
* Responsible Person
* Deputy Responsible Person

### Duty Holder

Position: Head of HRA Property and Development

* 1. Has overall responsibility for statutory maintenance within Medway Council managed residential and non-residential owned, managed, and leased property portfolio including provision of the necessary resources for the successful implementation of the organisation’s HRA Housing Statutory Maintenance & Compliance Policy.

### Responsible Person

Position: Property Services Operations Manager

### Deputy Responsible Person

Position: HRA Compliance & Projects Manager

* 1. The Deputy Responsible Person has overall responsibility for the day-to-day management and delivery of the requirements of the HRA Statutory Maintenance & Compliance Policy document.

* 1. The Deputy Responsible Person will be appointed to ensure that legal duties continue to be fulfilled.
  2. The Responsible Person and Deputy Person will sign and date their written appointments to confirm acceptance of their roles and understanding of their requirements of their duties in line with this policy.

# Monitoring, review and evaluation

* 1. The monitoring of HRA statutory compliance will be reported to internal staff via monthly and ad-hoc reporting. Results of these reports can be found on the Medway Council intranet.
  2. The monitoring of HRA Housing Services statutory compliance will be reported on an ad-hoc basis to tenants via meetings and/or updates via Medway Council internet.
  3. The ‘Responsible Person’ and/or the ‘Deputy Person’ will conduct ad-hoc reviews of the statutory compliance performance and report findings to internal staff and tenants as required.
  4. The ‘Responsible Person’ and/or the ‘Deputy Person’ will conduct reviews and evaluation of all statutory compliance 3rd person service providers and contractors to ensure continued value for money and performance meets internal Key Performance Indicators.
  5. This policy will be reviewed on a biennial basis or in line with legislative or regulatory changes.

This version published: January 2022

Reviewed: April 2024, January 2025

Next review due: January 2027

**ANNEXES**

1. QMS-TAHM-P8 – Gas Servicing

2. QMS-AM-P3 – Electrical Certificate

3. QMS-VPM-P2 – Inspection of Void Properties

4. QMS-CDRE-P1 – Resident Engagement

5. QMS-RM-P3 – No Access

6. QMS-AM-P4 – Refusal of Works

7. QMS-AM-P6 – Referrals