



# Rural Stirling

Housing Association

## Landlord Safety Manual H&S Policy

<b>Rural Stirling Housing Association, Stirling Road, Doune, FK16 6AA</b> <b>Registered as a Scottish Charity No. SC037849</b>	
<b>Policy Name</b>	Landlord Safety Manual H&S Policy
<b>Policy Category</b>	Health & Safety
<b>Date Approved by Board</b>	21 <sup>st</sup> February 2019
<b>Review Period</b>	Annually
<b>Review Date</b>	2019

# LANDLORD FACILITIES H&S POLICY STATEMENT

## 1. Purpose

- 1.1 To define the H&S policy of the Association in relation to its responsibilities as a Landlord and to demonstrate the commitment of the Management and personnel to implement this policy.
- 1.2 To set out the policy upon which the full H&S Management System is based.

## 2. Associated Documentation and Records

- 2.1 This Policy Statement sets out the commitment of the Management and personnel to achieving high standards of H&S in relation to the Association's activities as a Landlord. Reference should be made to the full H&S Control Manual and its associated documentation and records for the comprehensive arrangements in place to implement the commitments of this Statement.

## 3. Landlord Facilities H&S Policy Statement

- 3.1 The Chief Executive holds overall executive control and is, therefore, responsible for the conduct of the Association from a Landlord's Facilities Health, Safety & Welfare perspective.
- 3.2 The Association shall ensure that accountability and responsibility for the implementation and operation of facilities related Health & Safety and Welfare arrangements is discharged by formally appointed personnel of appropriate seniority and competence and that adequate resources are allocated to these roles.
- 3.3 A range of topic specific legislation imposes statutory duties on Landlords in relation to the protection of the Health, Safety and Welfare of tenants and others who may be affected by the Association's undertaking as a Landlord. To enable these statutory duties to be carried out, it is the policy of the Association, so far as is reasonably practicable, to ensure that responsibilities for Health, Safety and Welfare are assigned, accepted and fulfilled at all levels of the Association; that all practicable steps are taken to manage the Health, Safety and Welfare of tenants and others; and to conduct the business in such a way that the health and safety of tenants, service users, visitors, contractors and the public is not put at risk.
- 3.4 It is the Policy of the Association, so far as is reasonably practicable, to prevent injuries, incidents and ill-health that may be associated with its property portfolio and to ensure that:
  - a) The living environment of all tenants is safe and without risks to health or safety and that adequate provisions are made with regard to the safety of premises and facilities.
  - b) Plant, machinery and equipment are safe and without risks to the health or safety of tenants, service users, contractors and any other person who may be affected with regard to any premises or operations under the Association's control.

- c) All Statutory inspection regimes are maintained so far as reasonably practicable to comply with legislation, codes of practice and best practice.
- d) Adequate information is made available to tenants and others in relation to facilities and premises related hazards and risks.
- e) Employees are provided with such instruction, information, training and supervision as is necessary to ensure the Landlord's H&S responsibilities may be adequately discharged.
- f) This Policy Statement and all supporting Policies, Procedures and Arrangements shall be reviewed and updated as and when it is necessary or appropriate. This Policy Statement will be reviewed annually to ensure all responsibilities are current and correctly recorded. Communication of any changes shall be made to all employees.

3.5 To enable the Association to meet its statutory duties and commitments set out above, a comprehensive H&S Management System shall be operated, which shall include written Policies, Procedures and Arrangements for all relevant areas of H&S Management relevant to the role of a Landlord. These shall be set out in a Control Manual, which shall be adopted by the Management Board and the Chief Executive. All relevant employees shall be provided with adequate information, instruction and training in the contents of the Manual and in risk management issues relevant to their work.

3.6 This Policy Statement shall be presented on the Association's website to ensure that all interested parties can view this commitment to Landlord's H&S and on all staff notice boards. Parties requiring further, more detailed information on the system shall be provided with all such reasonable information by the Association's Corporate Services Officer, CSO.

3.7 It shall be the duty of all **employees** with defined responsibilities under this system to:

- a) Co-operate with the Association so far as is necessary to ensure compliance with any duty or requirement imposed on the Association, or any other person, under any relevant statutory duties.
- b) Comply with any safe working procedures, practices or 'rules' set out by the Association and with the information, instruction and training provided.

3.8 All accidents, incidents, ill-health and near misses associated with a potential breach of Landlord's duties shall be reported to the Chief Executive and shall be appropriately investigated and reported to external Authorities/Bodies where appropriate.

Chief Executive		Signature		Date	
Chair of Management Board		Signature		Date	
				Review	

## ROLES AND RESPONSIBILITIES

### 1. Purpose

- 1.1 The purpose of this policy is to define the roles, responsibilities and accountability of Association employees throughout the management chain.

### 2. Responsibilities – Overview

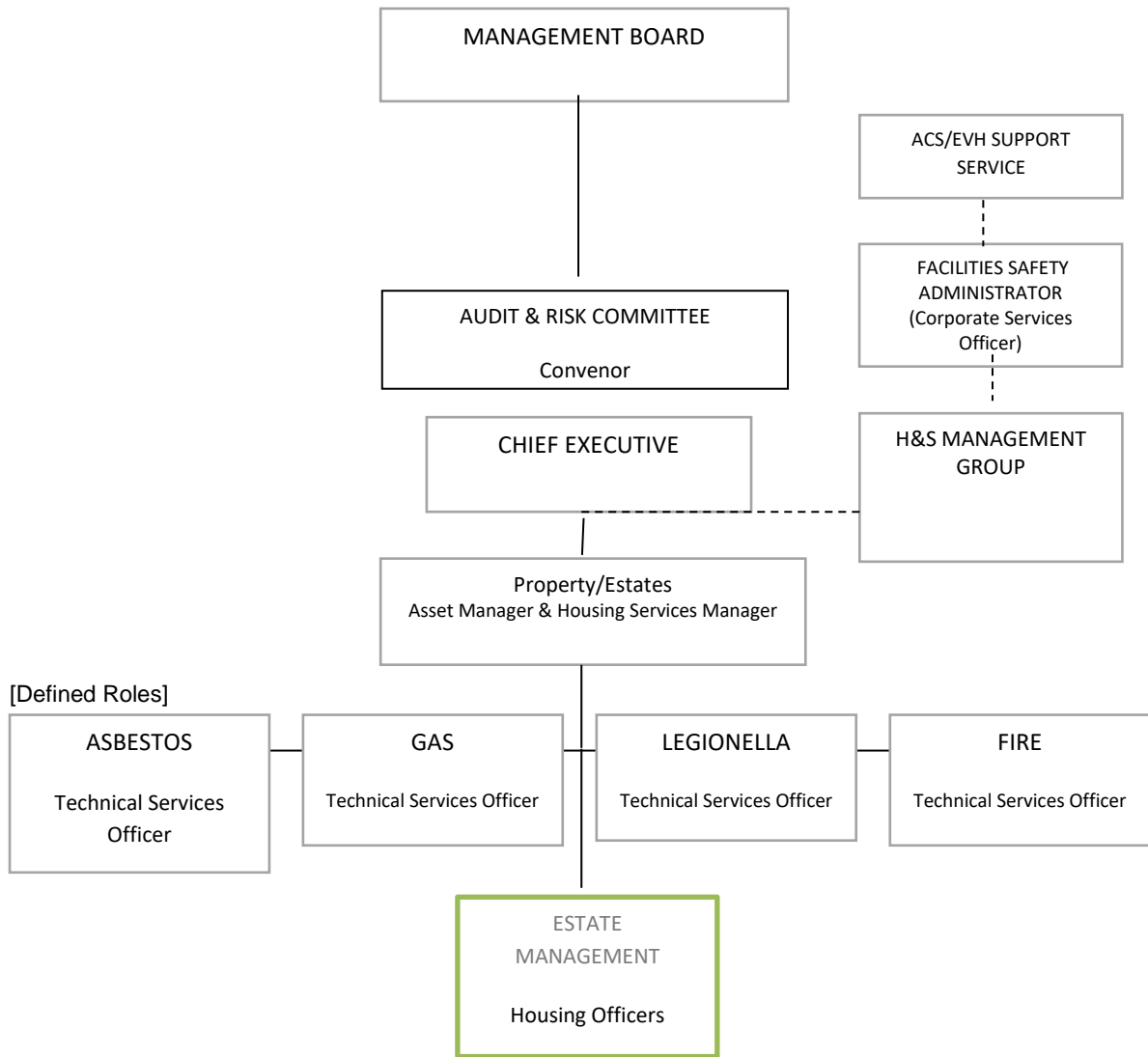
- 2.1 It is recognised that the successful management of H&S across the Association's property portfolio and tenancies requires the commitment of Senior Management and all persons with responsibility for delivering the Landlord's duties.

- 2.2 All employees have a responsibility to diligently discharge their duties in relation to the provision of health, safety and welfare requirements across tenancies. This will include the delivery of processes and procedures to comply with specific Regulations on safety related issues. Those in positions of responsibility have additional obligations, by virtue of their 'managerial' functions. Indeed, the Health & Safety Executive (HSE) document *Enforcement Policy Statement*, HSE41(rev1), notes the following on 'Prosecution of individuals':

*"... enforcing authorities should identify and prosecute or recommend prosecution of individuals if they consider that a prosecution is warranted. In particular, they should consider the management chain and the role played by individual directors and managers, and should take action against them where the inspection or investigation reveals that the offence was committed with their consent or connivance or to have been attributable to neglect on their part and where it would be appropriate to do so in accordance with this policy. Where appropriate, enforcing authorities should seek disqualification of directors under the Company Directors Disqualification Act 1986."*

- 3.2 The following sections set out the principal Landlord related H&S related responsibilities of individuals within the Association. These duties shall be in addition to the general duty on all employees to ensure the Health, Safety and Welfare of themselves and all others who may be affected by their undertakings.
- 3.3 In addition to the *individual* liability of senior staff, the *Corporate Manslaughter and Corporate Homicide Act 2007* allow *companies* and *corporations* to be prosecuted for corporate manslaughter (in England, Wales & N. Ireland) and, corporate homicide (in Scotland) where serious management failures result in death. Under this Act there is no longer the need to identify a 'controlling mind' (i.e. one individual whose negligence or recklessness caused the death) to convict an Association of homicide, thus making it easier to prosecute Associations.
- 3.4 The management responsibilities defined within this Control Manual should ensure that adequate and appropriate managerial control is exercised over the Landlord's H&S duties to protect against prosecution.

#### 4. H&S Organisational Chart



## **5. Responsibilities – Management Board**

- 5.1 The Management Board, headed by a Chairperson, comprises ‘lay persons’ from the local communities and business, acting as a body to oversee the operations carried on by the Association.
- 5.2 It is recognised that the Management Board, whilst not actively involved in the day-to-day running of the Association, is collectively responsible for providing leadership and direction on ensuring the Landlord’s responsibilities are discharged. The Chief Executive shall be responsible for implementing the Management Board’s vision for H&S.
- 5.3 All H&S matters will firstly be presented to and considered by the Audit & Risk Committee and recommendations made to the Board, whereupon, the Board will endorse the H&S Policy and Manual and all other H&S policies and the Chairperson will sign the Policy Statement along with the Chief Executive. Where there is a change of personnel, the incoming Chairperson will sign the Policy to ensure the commitment on behalf of the Board remains current.
- 5.4 The Board will place ‘H&S’ as a standing item on the Agenda of all general meetings. This will allow the Chief Executive to report on performance, funding requirements, failures and other H&S related issues. The Board will give all such issues due consideration and will make available all reasonable funding and support as may be required.
- 5.5 The Board will review the findings of all internal and external H&S audits carried out within the Association and will authorise the use of all reasonable support required to rectify any significant non-compliances identified by the audits.
- 5.6 The Board will take an active interest in the investigation of any significant safety failure, making available all reasonable resources for a full investigation and for the taking of adequate measures to rectify any deficiencies in the existing arrangements.
- 5.7 All Board members will undergo training in ‘Landlord’s Facilities Health & Safety Awareness’ and in their Management responsibilities. This will ensure that all members have a working knowledge of the topic, which will assist in the discussion of H&S at all meetings. This should also assist the Board in determining whether the Chief Executive is managing H&S adequately within the Association.
- 5.8 The Board shall accept their responsibilities and review their responsibilities at least annually. (For list of Board Members and signatures see Appendix 1)

## 6. Responsibilities – Chief Executive

- 6.1 The Chief Executive is responsible for the general day-to-day running of the Association. It is recognised that this function incurs the overall responsibility for H&S management within the Association and the requirements of this Manual will be adopted to ensure adequate provisions are made and maintained.
- 6.2 The Chief Executive will create a staff H&S Group and appoint a competent Senior Manager from within the Group who shall be responsible for taking executive control of the implementation of the H&S system and for implementing the Management Committee's vision/plan for H&S.
- 6.2 The Chief Executive will endorse the H&S Policy and this Manual and will sign the Policy Statement along with the Chairperson of the Management Board. Where there is a change of personnel, the incoming Chief Executive will sign the Policy to demonstrate commitment and acceptance of responsibilities.
- 6.3 The Chief Executive will hold *ultimate responsibility* for the implementation of the Association's policy, procedures and arrangements (this Manual and associated documentation), although the Senior Manager Responsible for H&S will have executive control of this function. To this end, s/he will appoint an adequate number of competent persons to achieve and maintain legal compliance. This will include a Facilities Safety Administrator (FSA). The Chief Executive will also take all appropriate action to reduce the risks to tenants and others arising from the business undertaking and to improve the health and safety performance of premises. The Chief Executive may be held liable where offences are committed with his/her consent or connivance or as a result of his/her negligence (Health & Safety at Work etc. Act 1974, Section 37(1)).
- 6.4 The Chief Executive will report on H&S performance, funding requirements, safety failures and other related issues at each Management Board meeting, as well as make available all internal and external audit reports to the Board. Fully justified requests will be made to the Board for any resources, support or funding required for H&S purposes.
- 6.5 The Chief Executive will ensure that H&S considerations are taken into account for all new investment opportunities and in the Association's estates/property development policy. The objective will be to design out risks so far as is reasonably practicable.
- 6.6 The Chief Executive will be responsible for allocating duties, resources and funds as appropriate to implement and maintain the H&S system and as may be reasonably requested by the Senior Manager Responsible for H&S.
- 6.7 The Chief Executive will ensure that adequate communication channels exist throughout the entire Association to allow H&S issues to be dealt with timeously and effectively. All staff and tenants will be given the opportunity to raise any H&S related queries with appropriate management staff.
- 6.8 The Chief Executive will ensure that all significant safety failures are fully investigated and reported to the Management Board. S/he will also ensure that all necessary support is sought to adequately investigate the situation and develop suitable remedial measures to reduce the likelihood of a similar incident recurring.

6.9 The Chief Executive will undergo training in 'Landlord's Facilities Health & Safety Awareness'.

6.10 The Chief Executive shall accept their responsibilities below and review these responsibilities at least annually.

Name		Signature		Date	
Review Date					



## 7. Responsibilities – Staff H&S Group and Senior Manager Responsible for H&S

- 7.1 The staff-based H&S Group has the remit of ensuring technical compliance with the Landlord's H&S duties, monitoring progress of all associated actions, communication of requirements, arrangement of training for staff and servicing of the Audit & Risk Committee.
- 7.2 The Asset Manager will fulfil the 'Senior Manager' role and provide operational support to the Chief Executive and discharge many of the day-to-day management tasks required in the running of the Association's H&S system. It is, therefore, recognised that this function incurs some significant responsibility in terms of the Landlord's H&S duties. In particular, the Asset Manager may be held liable where Health & Safety offences are committed with his/her consent or connivance or as a result of his/her negligence.
- 7.3 The Asset Manager will be responsible for ensuring the maintenance of an adequate programme of technical assessments and remedial action, allocating duties and resources as appropriate to keep assessments and control measures current. The Asset Manager will also ensure that any remedial measures agreed with the Chief Executive are effectively actioned.
- 7.4 The Asset Manager will be responsible for maintaining an adequate programme of staff training and competence, ensuring that all staff are given appropriate instruction, information and training to ensure their roles may be discharged effectively.
- 7.5 The Asset Manager will give due consideration to all H&S related requests from the Corporate Services Officer, technical staff and tenants, taking appropriate action where necessary and requesting support / approval from the Chief Executive where required.
- 7.6 The Asset Manager will take an active participation in the Audit & Risk Committee and the H&S Group. This will involve the raising of pertinent issues for consideration by the H&S Group and the reporting of same via the Audit & Risk Committee to the Board.

Name	Asset Manager	Signature		Date	
Review Date					

## 8. Responsibilities – Audit & Risk Committee

- 8.1 The Audit & Risk Committee will provide an open forum for the discussion of all health, safety and welfare and risk compliance issues which come under the scope of the Association's duties as a Landlord. Committee members will be drawn from the Board with the remit of considering all H&S matters brought to its attention by the H&S Group and arriving at conclusions and recommendations for reporting to the Board and for monitoring all action plans relating to H&S.
- 8.2 All Committee members will undergo suitable training, which will include, as a minimum, 'Landlord's Facilities Health & Safety Awareness'. This will ensure that all members have a working knowledge of the range of topics under discussion, commensurate with their role in the Committee and within the Association as a whole.
- 8.5 The Committee will review the H&S performance of the Association, analysing findings from technical assessments, reports on compliance issues, common challenges and data from other information gathering exercises. Recommendations on options to improve H&S performance will be made to the Board without undue delay.
- 8.6 Committee Members will review and acknowledge this policy on an annual basis, below.

Name	Mark Griffiths	Signature		Date	
Review Date					

Name	Colin O'Brien	Signature		Date	
Review Date					

Name	Margaret Vass	Signature		Date	
Review Date					

Name	Fiona Boath	Signature		Date	
Review Date					

Name	Linda Anderson	Signature		Date	
Review Date					

Name		Signature		Date	
Review Date					

## 9. Responsibilities – Employees with technical compliance duties

- 9.1 While the duties of management staff have been made clear in previous sections, it is recognised that technical compliance issues will be controlled by individual staff members. Technical staff will be provided with all appropriate instruction, training, information and support to ensure their duties may be effectively discharged. This may require specific training on technical compliance issues.
- 9.2 Employees will comply with the relevant policies, procedures and arrangements set out in the H&S Control Manual and with any information, instruction and training provided.
- 9.3 Employees will report to their line manager or the Asset Manager any identified breaches of H&S procedures, any accidents or safety related incidents or near misses and any aspect which appears to them to give rise to a significant risk to the health, safety or welfare of tenants or other persons. Such reports will be made without undue delay.
- 9.4 Employees will inform their line manager or the Asset Manager without undue delay, where they believe that further training or other risk control measures would be beneficial.
- 9.5 Employees will co-operate in all safety programmes, training and other initiatives that are intended to reduce risk or improve their competencies and will actively implement any control measures identified as being required.
- 9.6 Employees' defined roles and areas of responsibility in relation to H&S will be recorded below.

<b>Name</b>	<b>Job Title</b>	<b>Role/Area of Responsibility</b>
<b>Robert McGregor</b>	<b>Technical Services Officer</b>	<b>Administration of all matters relating to the maintenance of management systems for Asbestos, Gas and Legionella and the associated contracts</b>
<b>Gillian Lynas</b>	<b>Housing Officer</b>	<b>Execution of estate management inspections and administration of associated actions</b>
<b>Angela Cameron</b>	<b>Housing Officer</b>	<b>Execution of estate management inspections and administration of associated actions</b>
<b>Andrew Robinson</b>	<b>Housing Officer</b>	<b>Execution of estate management inspections and administration of associated actions</b>
<b>Kelly Cadden</b>	<b>Housing Officer</b>	<b>Execution of estate management inspections and administration of associated actions</b>

**10. Responsibilities – Facilities Safety Administrator (FSA)**

- 10.1 The function of the FSA will be fulfilled by the Corporate Services Officer and is, by definition, one of ‘**administration**’ as opposed to ‘**management**’. The FSA will be fully supported by the Chief Executive and Asset Manager.
- 10.2 The FSA will undergo suitable training, which will include as a minimum ‘Landlord’s Facilities Health & Safety Awareness’ and instruction in the administration duties expected of him/her by the Asset Manager.
- 10.3 The FSA will maintain the Master Control Manual and the record keeping system in an up to date and tidy condition. This will include the dissemination of all Manual updates to Manual holders and the filing of appropriate records.
- 10.4 The FSA will provide assistance to the Chief Executive, Asset Manager, H&S Group and Audit & Risk Committee from an *administration* perspective. This may involve liaison with the EVH/ACS Support Service and the communication of correspondence between parties.
- 10.5 The FSA will be responsible for communicating relevant H&S information throughout the Association and to tenants, where appropriate.
- 10.6 The FSA will acknowledge this policy on an annual basis, below.

Name		Signature		Date	
Review Date					

## **ROLES AND RESPONSIBILITIES – Competencies, Training & Awareness**

### **1. Purpose**

- 1.1 To ensure that all personnel with delegated compliance responsibilities and duties are competent to carry out, supervise or monitor the activities, taking account of appropriate education, training and experience.
- 1.2 To effectively manage the competency control process and to maintain and retain appropriate records.

### **2. Definitions**

- 2.1 'Awareness' – in terms of H&S means to be conscious of H&S issues, e.g. hazards, risks and risk control.
- 2.2 'Competence' – is the demonstrated ability to evaluate and apply knowledge and skills, whilst acknowledging one's limitations.

### **3. Competence and Training**

- 3.1 The Asset Manager will be qualified and experienced in the area of facilities/landlords' risk management with demonstrable competence in managing compliance issues across property portfolios.
- 3.2 The Asset Manager shall identify the competency requirements for individuals within the team who have delegated duties of a compliance or H&S nature. Where the need for additional information, instruction and training is identified, this shall be reported to the Chief Executive without delay.
- 3.3 The Association shall operate and maintain a Competency Framework Programme, which shall comprise:
  1. A Training Needs Analysis (TNA) for all core functions and job roles within the H&S operations.
  2. The TNA will include additional specific training requirements for key personnel with topic-specific responsibilities.
  3. Records identifying the dates and/or frequency of training due (including 'refresher training').
  4. TNA review programme following a change of process, incident, and at least annually.
- 3.4 The H&S Group shall be responsible for approving the Competency Framework, including any additions or deletions.
- 3.5 The Corporate Services Team shall be responsible for the maintenance and operation of the Competency Framework and for ensuring all training is provided timeously.
- 3.6 The H&S Group shall identify and appoint competent trainers / instructors to carry out the required training.
- 3.7 The Corporate Services Team shall be responsible for maintaining records of all information, training and instruction provided to individual employees.

- 3.8 The following minimum competence and training requirements shall apply to those with specific H&S responsibilities and shall be incorporated into the competency framework:
- 3.8.1 Management Board – Training in ‘Landlord’s Facilities Health & Safety Awareness’, ideally incorporating a leadership / corporate governance focus.
  - 3.8.2 Audit & Risk Committee - Training in ‘Landlord’s Facilities Health & Safety Awareness’, ideally incorporating a leadership / corporate governance focus.
  - 3.8.2 Chief Executive – Training in ‘Landlord’s Facilities Health & Safety Awareness’ and ‘Health and Safety Awareness Training’, ideally incorporating a leadership / corporate governance focus.
  - 3.8.3 Senior Manager Responsible for H&S – Suitable qualifications and experience commensurate with a compliance management role and ‘Landlord’s Facilities Health & Safety Awareness’, ideally incorporating a leadership / corporate governance focus.
  - 3.8.4 FSA – Training in ‘Landlord’s Facilities Health & Safety Awareness’ and job-specific instruction (in-house training).
  - 3.8.5 H&S Group– Training in ‘Landlord’s Facilities Health & Safety Awareness’.
  - 3.8.6 Employees with specific H&S Duties (e.g. Asbestos Co-ordinator, Legionella Co-ordinator, etc.) – Training in ‘Landlord’s Facilities Health & Safety Awareness’ and topic-specific specific training as appropriate and required by legislation / good practice.
- 3.9 Training effectiveness shall be evaluated in a number of ways, depending upon the specific course provided. This shall include examination and certification, peer review and via the results in internal audits, risk assessments and inspections.
- 3.10 The formal staff appraisal process shall include a review of all training completed during the previous period, assessing its effectiveness and arranging any additional or refresher training required to ensure all employees included in H&S processes are competent to execute the tasks their post is responsible for.

## ROLES AND RESPONSIBILITIES - Emergency Contact Details

### 1. Purpose

1.1 The Management of H&S incorporates the inspection, assessment and testing of a range of hazards and risks which may, on occasions, result in situations which require urgent attendance of external specialists. This section records the emergency contact details for such specialists.

### 2. Emergency Contacts

Topic	Company / Association	Contact Details
Asbestos	ACS	
Dogs / Animals	Stirling Council	
Electricity	SSE	
Environmental Issues	Stirling Council	
Fire	Fire & Rescue	
Flood / Water	Stirling Council Flood Prevention Team	
Gas	Saltire Facilities Management Ltd	
Lifts	Dolphin	
Legionella	Chemtec	
Needle Collection / Body Fluids	Aquaklenz	
Pest Control	Stirling Council	
Police	Police	
Security	N/A	
Waste	Stirling Council	

## Appendix 1

Name of Board Member		Signature		Date	
Name of Board Member	<b>Margaret Vass</b>				
Name of Board Member	<b>Mark Griffiths</b>				
Name of Board Member	<b>Colin O'Brien</b>				
Name of Board Member	<b>Fiona Boath</b>				
Name of Board Member	<b>Linda Anderson</b>				
Name of Board Member	<b>Malcolm Begg</b>				
Name of Board Member	<b>Bob Moyes</b>				
Name of Board Member	<b>Alistair Miller</b>				
Name of Board Member	<b>Theresa Elliot</b>				
Name of Board Member	<b>Susan Macmillan</b>				
Member of Board	<b>Alison Smith</b>				
Name of Board Member	<b>Phill Ragsdell</b>				
Name of Board Member	<b>Martin Earl</b>				
<b>Review Date :</b>					