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Flats Insurance

in association with
FlatLiving

MINI MONTHLY MAGAZINE

ISSUE FOUR...

HEALTH & SAFETY

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MINI MONTHLY MAGAZINE

Residentsline Flats Insurance in association with FlatLiving

We are pleased to introduce the fourth edition of our Mini Monthly Magazine.

We have taken Flat Living's monthly feature and have prepared it as a hard copy for you to circulate to your team.

This month's issue is all about Health & Safety in your Block.

For further copies please email us at **magazine@residentsline.co.uk.**

To read a full copy of the latest Flat Living Magazine please visit **www.flat-living.co.uk.**

To contribute in future issues please contact **Rebecca@flat-living.co.uk**

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ABOUT RESIDENTSLINE

Residentsline's sole focus has always been insurance for flats. Our team of dedicated, friendly insurance experts are passionate about delivering superior products and excellent customer service, making life easier for you.

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HEALTH AND SAFETY IN YOUR BLOCK

Belinda Thorpe, MD of Residentsline looks at the primary concerns for all those looking after buildings.

Health and Safety is a primary concern for all residential (as well as commercial) buildings. This includes your block of flats – should any accidents happen, steps will normally be taken to judge whether the reason behind the accident could have been prevented. This means that those in charge of the maintenance of the block, i.e. the Residents' Management Company (RMC) or Right to Manage (RTM) Company, could be held accountable. Health and safety standards are of the utmost importance to the successful running of a block of flats, and when these standards aren't met, it can lead to serious consequences.

Who is responsible?

The RMC is responsible for anybody they choose to employ on either a part-time, full-time or casual basis. However, this responsibility also extends to anybody visiting the property, meaning RMCs need to be incredibly vigilant in their efforts to maintain sufficient health and safety checks, reviews, attention to requirements and documentation of the same.

According to Management of Health and Safety at Work Regulations 1999, risk assessments must be carried out to ensure that the property is safe for any contractors or workers, meaning it is very important for RMC's to be aware of their obligations. If you are unsure as to the full extent of your responsibilities, you can contact your local authority to find out more. Flat Living has an assessment and audit guide available to purchase online.

Keeping employees safe

When a block of flats, working at height is inevitable. However, it can also be very dangerous. To ensure proper health and safety standards are maintained at all times, the RMC must ensure the following steps are addressed to ensure the health and safety of all employees:

- All work at height is properly planned and organised.
- Those involved in work at height are competent.
- The risks from work at height are assessed and appropriate work equipment is selected and used.
- The risks from fragile surfaces are properly controlled.
- Equipment for work at height is properly maintained and inspected.

> **"Poor health and safety controls can very easily lead to accidents taking place within your block of flats. This, in turn, can very easily lead to claims being made against the RMC."**

Slips, trips and hazards

It is important to remember that maintenance and health and safety standards often go hand-in-hand. Most health and safety-related accidents are a result of a slip or trip and can be very serious. Now, whilst RMC's cannot be liable for mere clumsiness, they must ensure that they are doing everything they can so as not to cause somebody to fall. This means ensuring that pathways, rooms, corridors, halls, driveways, roads and courtyards etc. are clear of any debris or tripping hazards, as well as any spillages.

Tripping hazards could be defined as anything from rickety stairs or a misplaced box to broken handrails and insecure carpets. For outside the premises, branches and rocks must be removed from footpaths, and trees must be maintained to avoid injury (especially following severe weather). It is also important to note that loose tiles may pose a risk to anybody using the outdoor area or walking past.

In a similar way, poor lighting can contribute to accidental falls, slips or trips. Thus, it is crucial to ensure that pathways, corridors or outside areas are always lit properly to allow residents or visitors to properly navigate their way around the premises. These issues must be addressed as soon as possible by the RMC, as they can become very difficult situations if not handled with care.

Fire Safety

Since 1st October 2006, every block of flats is legally required to undertake a fire safety risk assessment. Please see **page 6** for more info.

Electrical Equipment Safety

If electrical equipment is supplied by the RMC, landlord or agent to any person, e.g. a cleaner, then it must be regularly tested and properly maintained. A visual inspection and a more formal test should be carried out at the intervals recommended by the Institution of Engineering and Technology.

Legionella

Legionella is a bacterium commonly found in water systems. Infection can result in Legionnaires' disease, which can be fatal. Keeping the risks of Legionella at bay are crucial to the health of the block, and every step should be taken to ensure contamination is avoided. Once again, the RMC, landlord or agent of a block of flats has a duty to control the risks of Legionella in any pipes, tanks and taps in common parts (including a cleaner's cupboard). Cold water tanks, taps and showers within lessees' flats are the responsibility of the lessees, unless the lease places repairing responsibility for them on the landlord.

The starting point to ensuring health and safety measures are upheld is a risk assessment, usually carried out by an expert. If any risks are identified, then a written action plan should be produced to reduce the risks. An annual review of the risk assessment should also be made.

Do we need an asbestos report?

The short answer to this question is likely to be yes. If your building was built before the year 2000 then it almost certainly should have an asbestos survey completed to allow you to comply with the Control of Asbestos Regulations. Where asbestos is located you are required to keep an Asbestos Register which lists where ACMs are present, highlight the risks posed and make recommendations. More often than not, the ACMs can remain in situ as long as it remains undisturbed. See the article on Page 10 for more information.

Signage

For any Residents' Management Company (RMC) that employs staff (e.g. cleaners), the installation of safety signs is part of their legal responsibility to ensure their employees' health, safety and welfare at work. Safety signs are required to alert people to the hazards around them and to show safe working procedures. There are several styles of safety signs. The use of a certain type depends on the message that the sign carries.

For more information on signs visit http://www.flat-living.co.uk/advice/376-what-safety-signs-does-our-block-need.

Green Signs can either tell people the location of certain safety equipment, like first aid equipment, and where fire exits are located.

Red Signs are used solely to show the location of fire extinguishers and other fire safety equipment.

Blue Circles give orders: you need to do whatever is written on the sign. In blocks of flats, a prime example would be a fire action notice.

Red Circles with a diagonal line through show that you cannot do whatever is shown on the sign. For example, no smoking signs.

Yellow Triangles are used to make people aware of something that is dangerous, for example asbestos.

Many places of work now require health and safety signs by law. Signs are multi-lingual, ensuring that important information can be communicated without being adversely affected by language barriers.

Property Owners and Employers Liability Insurance

Poor health and safety standards can very easily lead to accidents taking place within your block of flats. This, in turn, can very easily lead to claims being made against the RMC. Should any situation escalate to this point, it is wise to have legal protection in place to protect the RMC against any claims. Specialist Flats Insurance policies will normally cover Property Owners Liability, and Employers Liability Insurance. Check your policy to make sure you are protected. Residentsline's Flats Insurance Policy automatically provides Property Owners Liability and Employers Liability at £10,000,000.

For more information or a quotation, please call Residentsline Flats Insurance on 0800 281 235, or visit our website at www.residentsline.co.uk

FIRE RISK ASSESSMEMTS AND FIRE DOORS

Under the Regulatory Reform (Fire Safety) Order 2005, ('the 2005 Order') it is a requirement that a Fire Risk Assessment of the common areas of buildings containing flats be carried out.

Common areas of a building containing flats usually mean those parts of the building not within the actual living space of individual flats; for example, the entrance, hallway/corridor, landing and staircase.

Fire Risk Assessments

The Fire Risk Assessment involves the management of hazards and risks.

- A hazard is something with the potential to cause injury or ill health to someone.
- A risk is the likelihood of this occurring. The risk could increase if the hazard becomes more severe.

The reason for doing a Fire Risk Assessment is to identify possible measures that will:

- reduce the risk of a fire starting and spreading;
- provide means of escape;
- detect fires; and,
- fight fires.

The Fire Risk Assessment will usually contain recommendations to be actioned:

- Install a fire alarm.
- Set up a sprinkler system.
- Operate a stay put/evacuate policy.
- Ensure flat entrance doors are properly fire-resistant.

How far should the landlord go in order to implement any recommendations?

Generally, the 'responsible person' has a duty to take such precautions as may be reasonably required in the circumstances to ensure that the premises are safe. It is the duty of the responsible person to evaluate the risk to people from fire by considering existing fire safety measures and deciding whether additional measures are necessary.Fire hazards could be low or high risk. Generally, the body in charge of enforcing the 2005 Order, the local Fire and Rescue Authority, would focus on the high-risk hazards as a priority and use their discretion when it comes to enforcement of low risk hazards.

Once the risks have been identified, they can be measured, prioritised and managed appropriately. The landlord or, if one is appointed, the managing agent ('agent') would need to consider how to deal with the recommendations in the most appropriate way. It is advisable for the landlord/agent to assess: 1) the risks in relation to the environment (i.e. communal areas of the building) within which the risk arises; 2) the likelihood of harm being caused; and, 3) the potential severity of the harm. It may seem obvious that the high risks should be dealt with as a priority. The landlord/agent would need to consider how to tackle the low risks. Where there is uncertainty, it is advisable to contact the local Fire and Rescue Authority for further advice.

The Housing Health and Safety Rating System

The Housing Act 2004 ('the 2004 Act') introduced the Housing Health and Safety Rating System ('HHSRS') to assess the conditions of homes in England and Wales. It applies to residential premises, meaning; dwellings, individual flats, Houses in Multiple Occupation (HMOs) and common parts of a building containing one or more flats. The HHSRS does not set out the minimum standards that homes must meet. It is concerned with avoiding and minimising potential hazards; for example, threats from uncontrolled fire and smoke.

Fire doors

Generally, a basic fire risk assessment undertaken under the 2005 Order will examine the common areas and this may include consideration of individual front entrance doors to flats. Front entrance doors will usually be the most common form of use as an emergency exit route, it makes practical sense for the front entrance doors to be fire-resistant in order to prevent the risk of fire spreading and allow people to leave the building in the

safest way possible.

Front entrance doors to flats need to be fire-resistant and self-closing. The required standard is a door which provides 30-minute fire resistance with fire-retardant strips, smoke seals and with a self-closing mechanism.

Front entrance doors to individual flats are often the leaseholder's responsibility. If the fire risk assessment flags up that the front entrance door is not fire compliant, it would be important to check the lease to see who is responsible for the door.

If leaseholders are responsible for the doors, the landlord would have no immediate legal right to change those doors. Instead, they would have to inform the leaseholders and instruct them to change the doors. It would be advisable for the leaseholder to ensure that the doors would perform satisfactorily in the event of a fire.

If the landlord is responsible for the door then they could go ahead and change them. This would often mean leaseholders having to pay for them through the service charge.

There may be no specific reference to fire safety works in the lease. But the freeholder may be able to use other wording in the lease (for example, in a 'sweeping up' clause) to justify passing on the cost of works to the leaseholders.

The HHSRS sets out guidance on potential harms and hazards that could be found in any residential premises. The fire door guidance is that summarised as follows:

- Doors should be properly constructed/fitted and with self-closers where appropriate.
- Doors should be fire resistant.

Works by the landlord

Generally, the landlord would be responsible for carrying out the works recommended by the Fire Risk Assessment. Leaseholders may be required to contribute financially towards the works via their service charges.

Problems could arise where the fire risk assessment recommends that the landlord carry out works i.e. installation of hardwire alarm systems through individual flats. The difficulty with this is that the lease may not allow the landlord to enter an individual flat to carry out such works. This would mean that the landlord and leaseholder must come to a suitable arrangement (outside the terms of the lease) so that the landlord can comply with the recommendations made by the Fire Risk Assessment.

Enforcement of fire safety in buildings containing flats

It is essential for anyone living in a building containing flats to report any potential hazards to the landlord/agent so that they can take appropriate action. Should the landlord/agent fail to do what is required, ways are available to ensure fire safety compliance.

For instance, under the 2005 Order, the Fire and Rescue Authority is responsible for enforcing fire safety in the area that the building is in.

Accordingly, the 2005 Order gives the Authority the power to:

- inspect buildings;
- make the person responsible for fire safety in the building carry out a fire risk assessment or undertake safety improvements (through an enforcement notice);
- make the person responsible for fire safety tell the Authority about any changes to the building that may increase the risk of fire (through an alterations notice);
- force buildings (or parts of buildings) to close (through a prohibition notice);

Enforcement fire safety in individual dwellings

The HHSRS is a risk assessment approach to assess hazards to health and safety in dwellings, and on which remedial and enforcement action can be taken, if necessary.

Under the 2004 Act, the local housing authority must inspect properties if they become aware of significant fire hazards. Such authorities have powers of entry for this purpose.

For more information, please contact LEASE on 020 7832 2500.

DESTRUCTIVE FIRE RISK ASSESSMENT

Shaun Lundy from 4site Consulting looks at the different types of Fire Risk Assessments that can be carried out in blocks of flats.

We should all be aware that fire risk assessments are legally required but did you know that there are different types of risk assessment that can be carried out in blocks of flats? The current guidance endorsed by the National Fire Chiefs Council (NFCC) 'Fire Safety in Purpose Built Blocks of Flats' issued by the Local Government Association in 2012 identifies four types of Fire Risk Assessments (FRA's).

TYPE 1

Type 1 is the most common type of Fire Risk Assessment and is usually sufficient for most purpose-built blocks of flats and conversions. Type 1 is a non-destructive assessment of the common parts of the building, not the private dwellings. In general, access to these occupied areas (such as flats) is not expected or required unless there is reason to believe that there may be significant health and safety issues inside. The only exception is where you may have arranged to view the tenant's front doors as part of the assessment. In some occurrences, the action plan of the Type 1 may recommend one of the other types of FRA be carried out. Recommendations of other types of FRA's should be backed up with a clear justification as to why a more intrusive inspection is required.

TYPE 2

Type 2 is similar to Type 1 in the sense that it only includes the common parts of the building. However, it involves an element of destructive sampling for which a contractor will normally be required. A Type 2 FRA may be suggested following a Type 1; however, this should not be recommended as standard procedure. A Type 2 Fire Risk Assessment is usually a rarity, carried out only if there is good reason to believe there are serious structural flaws that need further investigation due to the risk that these flaws could lead to breaches in compartmentation and the spread of fire throughout the building.

TYPE 3

Type 3 FRA's go beyond the requirements of the law by considering the flats as well as the common parts. Areas such as means of escape, compartmentation between flats and means of fire detection are considered in all areas including the flats. The Type 3 FRA, like the Type 1, is non-destructive and is usually considered necessary if it is thought there may be a fire risk inside of the flats. Arranging a Type 3 FRA can be difficult in leaseholder flats and are more easily conducted in vacated flats or where the flat is rented rather under leasehold ownership.

TYPE 4

Type 4 FRA's, like Type 2, include a destructive assessment. However, Type 4 FRA's also include the flats, not just the common parts of the building. Type 4 FRA's are obviously more complicated than the other types of assessments. As with the Type 3 assessment, access to flats can be difficult and the destructive nature of the assessment will involve a contractor to repair damage after the inspection.

Another note to take into consideration when doing intrusive and destructive surveys is asbestos-containing materials that may present a risk to health if disturbed. If the building was constructed prior to 2000 it is likely to contain asbestos materials. All buildings of this age should have had an asbestos survey and a register of the type, condition and location of asbestos in the building. In addition, where disturbance is likely such as in the case of a Type 2 or Type 4 FRA, an additional Refurbishment and Demolition Asbestos Survey will be required prior to any work being carried out.

What the law requires

The Regulatory Reform (Fire Safety) Order 2005 (RRO) states that a Fire Risk Assessment (FRA) is required in almost all buildings, although it does not go into specific detail about how intrusive or destructive this should be. The RRO is relevant for the common parts of a building, such as: stairs, corridors and share kitchens. It does not apply to the "private dwellings" or "domestic premises" of a building which are covered by the Housing Act 2004. The law is goal-seeking and not prescriptive in its requirements, stating that Fire Risk Assessments should be carried out "regularly" and should be

"suitable and sufficient" without providing details on the frequency or nature of the assessment. It is the obligation of the "responsible person" of the property to either complete an FRA themselves or organise for an FRA to be conducted by a third-party firm such as a consultancy specialising in Fire Risk Assessments. The responsible person is usually the freeholder, Right To Manage company, Residents' Management Company or managing agents. The purpose of an FRA is to check and ensure that the property has the correct fire safety measures in place (such as: emergency routes and exits, fire detection systems and an emergency fire evacuation plan) to avoid and eliminate the risk of fire where possible.

Is a Type 2 or 4 Fire Risk Assessment Needed?

You have probably had a Type 1 FRA conducted and, in the vast majority of cases, this is likely to be sufficient in determining the fire risk and implementing the necessary fire precautions. There is, however, ongoing debate surrounding Type 4 FRA and where they may be necessary. Some experts have suggested that assessments beyond the common areas are only relevant in specific cases where the landlord has reason to believe there is a serious breach of the compartmentation within the private dwelling that may pose a risk to others. Others suggest that Type 4 FRA's should be a standard requirement for all buildings, particularly after the Grenfell tragedy and especially in older buildings where there are doubts about the methods of construction.

Generally, Type 4 FRA's are only necessary for a very limited range of circumstances and, like the Type 2, should not be routinely recommended unless there is strong justification following a Type 1 or 3 FRA. The general principle is that a Type 4 FRA should only be suggested if there is reason to believe there are serious defects in both the common parts or inside of the flats, such as poor or inadequate compartmentation or poor fire stopping which cannot be determined adequately during the Type 1 or 3 FRA. Another circumstance in which a Type 4 Fire Risk Assessment may be recommended is if a new landlord has acquired a block of flats for which the history of construction work is suspicious. Concerns may be originally raised in the Type 1 FRA about the compartmentation, especially in areas that cannot be easily accessed, such as: ceilings, under floor boards, roof voids, risers, service cupboards or boiler rooms. In circumstances such as these there may be reason to believe there is high risk of fire spread in both the private and common areas of the property and therefore a more destructive assessment may be needed.

The outcome of an intrusive and destructive FRA may be to recommend further building works to improve compartmentation, additional fire stopping measures or improvements to protect the means of escape from smoke or fire. In some circumstances additional building works to improve fire compartmentation will not be practicable either in the short or long term. In these cases, the evacuation strategy may need to change from the usual 'stay put' policy recommended for purpose-built blocks, to one of simultaneous evacuation with enhanced fire detection and alarm systems being installed.

What are the current trends?

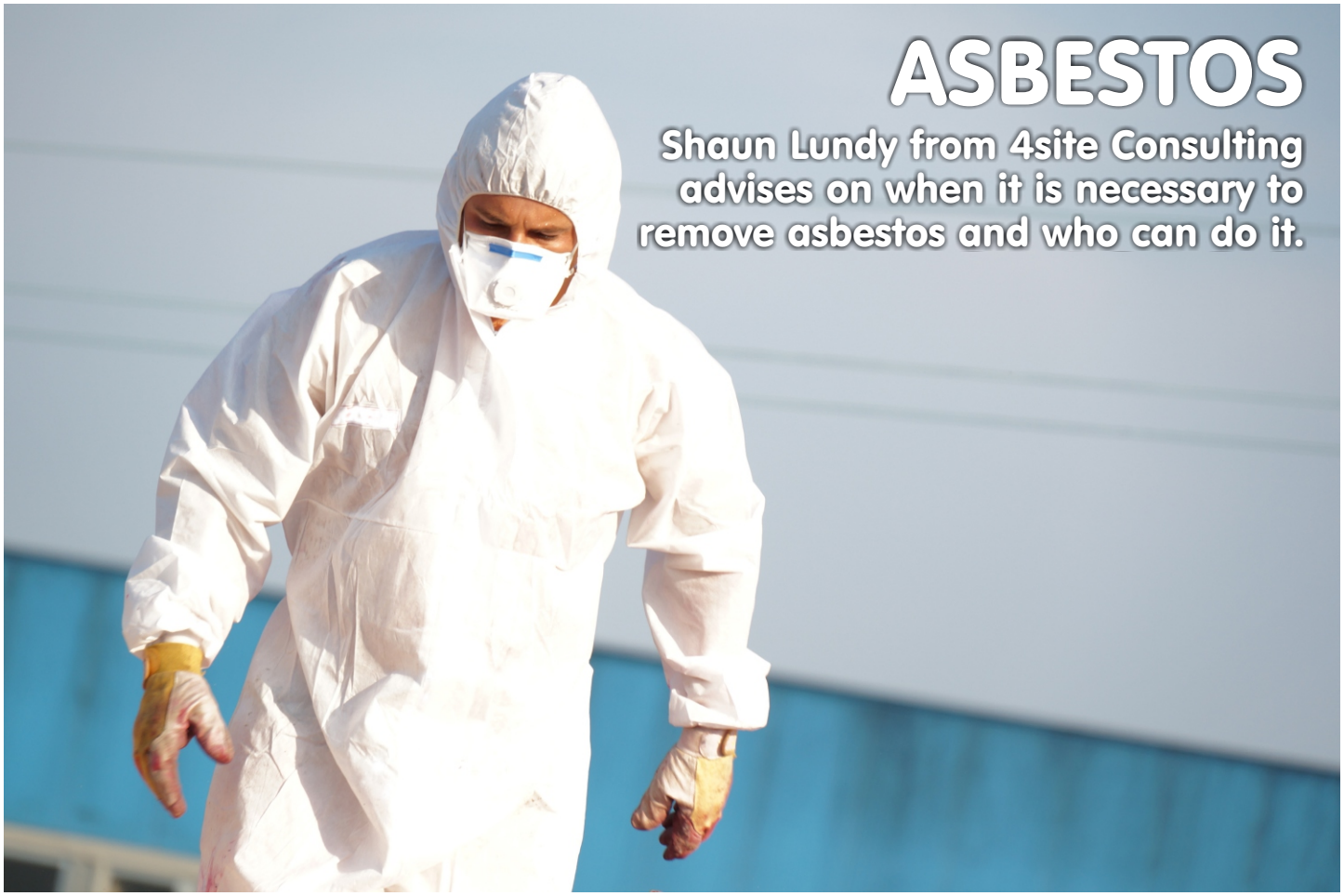
Understandably, local authorities, housing associations and private landlords are responding to the Grenfell Tower tragedy by intensifying their efforts to prevent a repeat of this terrible disaster. The majority of FRA's are non-destructive and, providing they are carried out by a competent person, will contain sufficient information to ensure the fire safety of your block. However, according to 'Inside Housing', a number of social landlords and local authorities have switched to Type 4 FRA's as a response to the disaster. For instance, Southwark and Camden councils are now carrying out Type 4 FRA's in many of their tower block properties due to concerns over the compartmentation, especially in older blocks where the history of subsequent building works is uncertain.

Conclusion

The guidance on whether to do a destructive FRA has remained unchanged and, in most circumstances, it will not be necessary to change your approach. A competently completed FRA will make it clear if a destructive FRA is required and in which areas of building to minimise the extent of disruption.

Overall, there is a lot to consider when deliberating over FRA. Landlords will need to weigh up the cost vs. benefits of conducting destructive FRA. Firstly, it can become quite a costly and lengthy process. If your building was constructed prior to 2000 then there may be asbestos in the building which will need careful consideration before any destructive works are carried out. Landlords will need to compare the disruption to residents and the time it will take to return the block to its original condition with the overall benefits this may have in relation to enhancing fire safety. Ask yourself, will the Type 2 or 4 FRA help us to improve the buildings safety, improve the fire strategy or provide new information that will change the existing measures being taken? If the answer is no, then the damage and disruption may not prove beneficial. As always, if in doubt get expert advice from a competent fire safety specialist and refer to your previous risk assessment recommendations before making any concrete decisions.

For more information, please contact 4site Consulting on 01376 572936.



ASBESTOS

Shaun Lundy from 4site Consulting advises on when it is necessary to remove asbestos and who can do it.

Duty to Manage

'Regulation 4 of The Control of Asbestos Regulations 2012' relates to the duty to manage asbestos in non-domestic premises outlining that if you own, occupy, manage or have responsibility for a property, then you are legally obliged to assess and manage the risk from asbestos.

You will also need to make decisions regarding the retention, remediation and removals of any asbestos-containing materials (ACMs) with the assistance of the Asbestos Management Survey.

In most cases, asbestos doesn't cause danger unless it is disturbed or damaged, therefore, does not necessarily need to be removed. The Asbestos Management Survey will often help to advise on the best steps to take, and why.

What is Asbestos?

There are three types of asbestos: 'blue asbestos' (Crocidolite), 'brown asbestos' (Amosite) and 'white asbestos' (Chrysotile). Chrysotile (white) asbestos is the most commonly found, and the latest to be banned. Until it was finally banned in 1999, it was common-place for asbestos to be used in the building and construction industry due to its exceptional physical and chemical properties, and its resistance to burning, chemicals, and electrics. It was often used in buildings for fire proofing, electrical insulation, sound insulation, and flooring and roofing products. If a Landlord or Property Manager is unsure if a property contains asbestos, or know that it likely does, then they will need to carry out an Asbestos Management Survey to collect and analyse samples and confirm whether asbestos is present or not.

The Dangers of Asbestos

One of the most dangerous aspects of asbestos is that it is a friable material; meaning it can easily crumble. When this happens, the deadly fibres are released and become airborne. If breathed in, they can cause asbestos-related illnesses such as Mesothelioma and Asbestosis. Mesothelioma is a type of cancer that affects the lining of some of the body's organs and is almost exclusively related to asbestos exposure. Over 2,500 people are diagnosed with Mesothelioma each year and, although it is possible to undergo treatment such as chemotherapy or surgery, the outcome is usually fatal. Other illnesses include Asbestosis and Asbestos-related Lung Cancer, which are also usually fatal. An Asbestos Survey will help to establish whether an ACM is friable or non-friable and determine whether or not the ACM will need to be removed from the premises.

When is it Necessary to Remove Asbestos?

According to the Health and Safety Executive (HSE), if ACMs are in good condition and are undisturbed, they are usually considered safe as it is unlikely that airborne asbestos fibres will be released into the air. This is why it is often safer to leave the ACMs and review their condition over time as opposed to having them removed. In fact, the removal of existing ACMs can actually pose a significant risk of exposure to asbestos. It is important that the conditions of the ACMs are reviewed, as the state of the product can change. For instance, Asbestos-Insulating Board (AIB) can accidentally be damaged or sometimes drilled through in order to gain access to electrical wires. If an asbestos survey has been carried out and contractors have access to this, they will know where the asbestos is and should not to disturb it. To keep the register up-to-date, annual re-inspections are required to update the register if the condition of any ACM changes. It is also vital that contactors carrying out work on a site have access to the reports before any work takes place. In cases where it is not necessary to have the ACMs removed, it is possible to have them protected or encapsulated by applying an impervious material, which is secured over or around the ACM. This will prevent the release of fibres under foreseeable conditions, such as vibration, impact and age degradation. In order to decide what the best approach is, Landlords should consider the type and condition of the ACM and whether it is possible for further damage to occur. It is also important to consider whether encapsulation is being used to defer removal which may eventually need to take place anyway.

It becomes necessary to remove asbestos when ACMs are too damaged to encapsulate, and there is a foreseeable risk of releasing fibres. This can occur if ACMs such as ceiling tiles, pipe lagging, or cement sheets are in bad condition and likely to be disturbed; usually during contractual works.

> **You should never begin any works on asbestos containing materials without obtaining specialist advice.**

In addition to this, if a property is being demolished or is due to have works carried out, any ACMs will need to be identified and removed beforehand. In this case, a Refurbishment and Demolition Survey will need to take place in order to locate, as far as reasonably practicable, all ACMs within the building so that they can be removed. These types of surveys are intrusive and involve an element of destruction in order to gain access to areas and remove any ACMs present.

Who Can Remove the Asbestos Containing Materials?

If the Asbestos Management Survey makes recommendations to have ACMs removed, then the responsible person will need to contact a third-party asbestos removal company in order to have this carried out. In most cases, where the ACMs are large and friable, a licenced asbestos removal company will be required. A licence is not required in cases where the area of ACM is less than 10 square metres, the ACM is not friable, and the removal work does not exceed 1 hour in a period of 7 days. For details of asbestos work that are not notifiable or licenced, those that may require additional involvement with HSE and works that may have higher risks of fibre exposure please visit the full article http://www.flat-living.co.uk/advice/1730-when-is-it-necessary-to-remove-asbestos-and-who-can-do-it.

You should never begin any works on asbestos containing materials without obtaining specialist advice to confirm whether the work is considered non-licenced asbestos works, notifiable non-licenced work (NNLW or licenced work).

For more information, please contact 4site Consulting on 01376 572936.

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