

APPENDIX A



Somerset Council

**Building and Resident Health and
Safety Strategy**

2023 – 2025

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1 Aim/Purpose

- This Strategy seeks to make clear the Council's – as a responsible landlord provider of social/affordable rented accommodation – overall approach for maximising the safety of the buildings which represent that accommodation and the health and safety of the residents (whether tenant, leaseholder or shared owner) who occupy these buildings as their home
- This Strategy is supported by a range of associated Policy and Procedural/Process Documents (including, though not limited to, those including as **Appendices** below) which are intended to provide clear operational guidance to support the service delivery of the strategic aims and objectives set out within it
- Via adherence to the provisions of this Strategy, the Council intends to ensure full compliance with its Regulatory, Statutory and Legislative obligations and requirements as a Registered Provider – and be able to provide relevant evidence and assurance to Officers, Council Members, Residents and any/all other relevant stakeholders that this is the case
- This Strategy aims to make clear the specific roles, responsibilities and accountabilities of both Council Officers *and* Members for implementation of the measures and commitments set out within it – as well as both the rights *and* responsibilities of residents (in particular regarding access) in relation to building safety
- In respect to the Building Safety Act, this piece of legislation has wide-ranging implications and as such is intended to be implemented by Central Government over a transitional timetable extending into 2024. This is also the case for many of the reforms and changes intended to be introduced by the Social Housing Regulation Bill 2022. This is reflected within our own 'Building and Resident Health and Safety Action Plan' which is to be fully developed. This will set out the key steps and stages to be implemented in order to ensure the Council meets the full range of its regulatory, statutory and legislative obligations and requirements. (This work will not commence until after Vesting Day.)

2 Scope

- This Strategy relates specifically and exclusively to the Council's landlord function and responsibilities in respect to the letting and management of – and service delivery to – social and affordable rented accommodation plus leaseholders and shared owners in locations of mixed tenure
- The provisions of this Strategy are therefore considered to be applicable to the following accommodation:
 - All Domestic Properties within the Housing Revenue Account (General Needs Housing, Supported Housing, and Independent Living Schemes)
 - All Non-Domestic Properties within the Housing Revenue Account (Internal and External Communal Areas, Offices, Community Centres, Garages and Remote Plant)
 - Other (non-Housing Revenue Account) Domestic Properties for which the Council is the Landlord (Cemetery Lodges, Temporary Accommodation etc.),
 - Leaseholders and Shared Owners when this accommodation is located within relevant, applicable buildings on a mixed tenure basis
- Where properties are leased from third-party property owners, responsibility for building and resident health and safety obligations and requirements will be detailed within the Terms of the Lease/Management Agreement. Where responsibility lies with the property owner, the Council will nonetheless instigate appropriate checks that the relevant certifications and other documentation is in place and establish full assurance that the accommodation involved is safe *in advance of occupation and use*
- For any organisation carrying out the landlord function/role on behalf of the Council – including the planning, management, service delivery of (and reporting upon) building and resident health and safety obligations and requirements – the full acceptance of, and evidenced compliance with (via submission of an 'Annual Building and Resident Health and Safety Compliance Assurance Statement' to the Council), the provisions of this Strategy will be a prerequisite of them fulfilling this function/role
- As reflective of the Council's approach and commitment to the active involvement of residents in matters of building and resident health and safety – as set out within Section 6 – this Strategy document itself has been produced in partnership and consultation with residents themselves and will continue to be so in respect to both all periodic reviews of its content and in respect to any major changes made necessary by changes to regulation/statute/legislation

3 Our obligations for Building and Resident Health and Safety – including Higher Risk Residential Buildings (HRRBs)

- There are a significant and diverse range of Regulatory, Statutory and Legislative obligations for the Council as a landlord in respect to specific areas of building and resident health and safety – in particular the so-called ‘Big 6’ activity/risk areas of Gas, Electrical, Fire, Asbestos, Water and Lifts – and these are set out in detail within the operational Policy Documents
- In addition, the Council has landlord obligations which are general/broader in nature – i.e. that do not apply exclusively to one, singular activity/risk area in regard to building and resident safety – which are established via legislation, including (though not limited to):
 - Landlord and Tenant Act 1985
 - Health and Safety at Work Act 1974
 - Housing Act 2004
 - Housing Health and Safety Rating System 2006
 - Building Regulations 2010
 - Homes (Fitness for Human Habitation) Act 2018
- The Council also fully recognises the role and importance of the Regulator of Social Housing (RSH) and the obligation and requirement of the Council as a Registered Provider (RP) landlord to comply with its Consumer Standards – and specifically in respect to building and resident health and safety the Home Standard (Part 1.2b) and its requirement that all RPs must:

“meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes”
- Specific obligations and requirements for the Council are also established via the Building Safety Act 2022 in respect to Higher Risk Residential Buildings (HRRBs – including their initial registration from April 2023), as subject to the regulatory jurisdiction of the Building Safety Regulator (within/as part of the Health and Safety Executive)
- HRRBs are defined as buildings of at least 18metres/7 storeys in height, plus containing at least 2 residential dwellings. In respect to the Council’s Housing Stock as at the introduction of this Strategy, the following buildings meet this definition:

No.	Building Address	Description	Height and No. Storeys
1	Westfield House, West Street, Bridgwater, TA6 3RJ	61 individual flats with communal laundry	11 storeys and 30 m in height
2			
3			
4			

- In respect to HRRBs, as required by the Building Safety Act, the Council must clearly designate an **Accountable Person** responsible for each of these

buildings – and *this Accountable Person must proactively manage and assess building safety risks (in respect to both (i) the potential Spread of Fire and (ii) Structural Failure to a degree which places at risk the health and safety of multiple residents, visitors and others in the building vicinity) including via a Building Safety Case and Safety Case Report which they are required to initially compile, keep up to date and submit to the Building Safety Regulator*

- Details of all the Council's Accountable Persons in respect to the above HRRBs are contained within Section 5 (Key Strategic Roles and Responsibilities) of this Strategy
- The detail of the Council's operational approach – including its prescribed format /scope for the required Building Safety Case and Safety Case Report – to its HRRBs and the requirements of the Building Safety Act, will be set out within our 'Building Safety Policy'.
- The Council's clear position – across all the above Regulatory, Statutory and Legislative obligations and requirements – is one whereby compliance with these represents the minimal position to be achieved and retained
- It must also be highlighted that, in order to fulfil its obligations and requirements as a responsible landlord in respect to building and resident health and safety, the Council requires *active co-operation from (and the support of) residents themselves*. This can take the form of, for example, allowing access to individual homes for the purpose of various Servicing/Inspection/Risk Assessment activities and/or ensuring communal areas – particularly in the context of emergency exit routes/points – are kept clear of obstructions
- The Council is aware that it receives such co-operation and support from the vast majority of residents, whether tenants or leaseholders. However, in circumstances whereby this is not the case the Council will not hesitate to use its full range of legal enforcement powers in the interests of maintaining the health and safety of the majority of residents

4 Building and Resident Safety as a System/Framework

- The Council operates an overall System/Framework – of which this Strategy forms a part – to ensure the fulfilment of its obligations and requirements regarding building and resident health and safety, comprising:
- A suite of Building Safety and Resident Health and Safety/Landlord Compliance Policies
- Procedures and Processes (within Management Plans) to deliver each of these Policies
- Data Management and Control Protocols
- Performance Management (Monitoring and Reporting)
- Quality Assurance
- Resources

This overall System/Framework is further illustrated below:

Figure 1



- Each of these individual elements contributes, as set out above and detailed below, to the operation of an overall System/Framework by the Council whereby it seeks to maximise the level of assurance that its landlord service's buildings (and the residents within them) are and continue to be safe:

Policies: These serve to establish the landlord organisation's awareness and acknowledgement of its regulatory, statutory and/or legislative obligations and requirements in respect to the building and/or resident health and safety hazard/risk concerned and provide the opportunity for the overall approach to fulfilling these to be set out and described at the high(er) level.

Procedures and Processes: These provide considerably more detail as to the approach followed in order to ensure that the building and/or resident health and safety

hazard/risk concerned is being managed appropriately and in order to meet regulatory, statutory and/or legislative requirements. The key emphasis for these Procedures and Processes – often referred to as ‘Management Plans’ – is that they should (i) describe and provide detail for all of the activities to be undertaken (ranging from the initial identification of the risk/hazard, to the completion of all relevant activities such as Servicing/Inspection/Risk Assessment and any Remedial Works/Actions, the completion of related certification and Quality Assurance/Quality Control activities) on a complete, ‘end-to-end’ basis and (ii) ensure that all of these key activities are linked to specific job roles/postholders so as to establish clear accountability for delivery.

Data Management/Control: It is vital to ensure that the data which is held and retained by any landlord in respect to their building and resident health and safety obligations and requirements is both initially – and continues to be – accurate and consistent. If, for example, changes take place to the landlord’s Housing Stock (such as the addition of new properties via new development or the reverse and removal from the Stock via demolition/disposal) then these need to be reflected and updated within the datasets which identify, record and provide reporting upon the delivery of the building and resident safety activities required at them (i.e. reconciled and validated). The absence and/or failure to operate effectively such data management and controls (and to both document these and link their operation to key, specific job roles/postholders) increases the risk that the level/quantity of the building and resident safety activity involved is recorded incorrectly – and the possibility that such essential activities and obligations such as Servicing/Inspections/Risk Assessments and Remedial Works/Actions are going unmet.

Performance Management: It is vital for those with service delivery, managerial and governance/oversight responsibility for the landlord service’s building and resident health and safety obligations and requirements to have visibility of performance levels – not least in order to establish clear accountability for non-delivery. In this respect the regular, routine monitoring and reporting of Key Performance Indicators (KPIs) is a key element of this Council’s overall System/Framework for ensuring compliance with its building and resident health and safety responsibilities – with these encompassing, but not being limited to, the requirements of the Regulator of Social Housing and its Tenant Satisfaction Measures (TSMs) effective from April 2023 and ensuring visibility of all applicable and relevant Servicing/Inspection/Risk Assessment and resulting Remedial Works/Actions activity.

Quality Assurance: Measures to continually monitor – and provide feedback in order to promote improvement in – the quality and effectiveness of service delivery for building and resident health and safety activities include the maintenance and updating of Risk Registers, Internal and External Audit Programmes, sample-based Post-Inspections of completed works and the pursue of external good/practice accreditation from recognised trade/safety bodies. All such measures serve to provide additional assurance and provide an additional, external ‘line of defence’ against the possibility of internal-only Performance Management and/or Reporting upon building and resident health and safety issues reflecting a tendency for the landlord service to ‘mark its own homework’.

Resourcing: This final, crucial aspect of any effective System/Framework to ensure building and resident health and safety represents the human ‘capital’ invested by the landlord provider – in the form of the skills, experience and competence of those Staff (both from within the organisation itself and also those of external partner organisations, such as works contractors) deployed upon this vital, complex and challenging area of work. Since the Grenfell Tower Disaster of 2017, the ability of any landlord organisation

to demonstrate and evidence the competency and capability of those Staff Resources it has involved in building and resident safety works has been an increasing of regulatory and legislative change – as reflected in its specific inclusion at Section 7 of this Strategy.

5 Key Strategic Roles and Responsibilities

- Several key posts, positions and groups at the Council – *in respect to both Officers and Members* – have key strategic responsibilities in ensuring that the Council's aforementioned (see Section 4) overall System/Framework for building and resident health and safety operates effectively
- These key posts and positions are itemised below, including a description of the nature and details of the strategic responsibilities involved. However, subject to final confirmation from the Regulator of Social Housing as it makes operational decisions within the Social Housing Regulation Bill. These are the proposals for the roles and responsibilities

Role	Responsibilities
Lead Member	This will be reviewed post vesting day in accordance with the Constitution and the emerging view of the Regulator on the role of Councillors. Currently, the Lead Member is seen as equivalent to the Chair of Housing Association in most of the guidance so far issued.
Executive	As above. Regulator seems to be deeming the Executive as the equivalent of the Board of a Housing Association.
Chief Executive (Somerset Council)	The Duty Holder - seen as the primary role with operational responsibility for implementation.
Corporate Director - Communities	Responsible Person – with responsibilities to support the Duty holder in the process of implementation.
Service Director- Housing	Responsible Person – with responsibilities to support the duty holder in the process of implementation.
Head of Landlord Compliance/Resident H&S	Directly Responsible Operational Manager (Directly operation in the Landlord Services (HiS Director of Asset Management and Safety and Somerset Council retained Landlord Service – Assistant Director Housing Property,)
Accountable Person (Westfield House – High Risk Residential Building, Bridgwater)	A legislative requirement of the Building Safety Act 2022. Chief Executive Somerset Council – operational support provided by HiS Director of Asset Management and Safety.
Senior Resident Health and Safety Contact and Liaison Officer (example title only)	Post holder of sufficient seniority to drive a Health and Safety Culture and be fully accessible to residents. The appointment will be confirmed once the Social Housing Regulation Bill I has been enacted.

6 Our Accountability to Residents – including the provision of/access to information

- The Council recognises and embraces the increased expectations – resulting from the Grenfell Tower disaster of 2017 and its subsequent Public Inquiry, in addition to the requirements of the Social Housing Regulation Bill and the Regulator for Social Housing’s Tenant Involvement and Empowerment Standard and Customer Satisfaction Measures – for the provision of/access to information for residents relating to the key health and safety-related risks of the building they occupy as their home as per Clauses 91 and 92 of the Building Safety Act 2022
- This commitment of the Council extends from the commencement of any tenancy and exists for its entirety, and is also ‘tenure neutral’ in respect to any accommodation in which different tenures are present – leaseholders will be provided with the same building and resident health and safety information, and access to the same in-person access point (see Section 5 - Senior Resident Health and Safety Contact and Liaison Officer) for the highlighting and subsequent discussion of any concerns
- As part of its wider commitment to the active involvement and participation of residents, the Council will also invest – via relevant, targeted training and ongoing support – in building their capacity, capability and skills in order to enable them to undertake effective scrutiny, challenge of (and positive engagement with) matters of building and resident health and safety
- The Council will operate a diverse range of methods and access points for residents in respect to health and safety-related information about the building in which they live, as well as active opportunities to become involved in decision-making regarding the management and delivery of services to their home – as summarised below:

Building and Resident Health and Safety Information Provision/Access Route	Details	Key Council Contact Point
TBA		
Resident Involvement Forum/Method	Details	Key Council Contact Point
TBA		

- The Council will measure the impact and success of its provision of building and resident health and safety information and opportunities for active involvement to residents via the Regulator of Social Housing’s Tenant Satisfaction Measures, relative to the targets set out below:

Tenant Satisfaction Measure	Measurement Method	Council Target 2023-24
TP04: Satisfaction that the home is well maintained and safe to live in	Measured by doing tenant perception surveys	TBC
TP08: Satisfaction that the landlord keeps communal areas clean, safe and well maintained	Measured by doing tenant perception surveys	TBC

- The Council accepts that it is entirely legitimate for residents to also seek to raise issues and concerns relating to building and resident health and safety within the Council’s Housing Stock via our Customer Complaints Procedure and/or via contact with their local Council Member, or Member of Parliament or other representative or Agency (for example the Health and Safety Executive, Building Safety Regulator etc.)
- The Council also recognises (and indeed positively supports) the role, function and purpose of the Independent Housing Ombudsman Service in circumstances of resident dissatisfaction – which can include matters of building and resident health and safety. The Council will maintain full, unconditional adherence to the Housing Ombudsman’s Complaint Handling Code April 2022 – and evidence this via completion and publication of an Annual Self-Assessment against that Code
- In all such cases, the Council’s focus *will clearly be upon addressing the nature and substance of the building and resident health and safety issue/s involved* rather than considerations as to whether the correct ‘process’ route has been followed by the resident in raising their concern/s
- In addition, and as part of its commitment to the creation and maintenance of a positive health and safety culture, the Council’s primary focus – alongside the resolution of the issues raised by the complainant to their satisfaction – from building and resident health and safety related complaints (whether formal or received as some other form of expressed dissatisfaction) will be upon actively learning lessons from these which can improve any aspect/element of our approach and practices thereafter

- *For example*, this will include the broader consideration of complaints as they relate to building and resident health and safety so that if these relate to a particular building archetype/design/feature – and this is shared with another location/s – then appropriate consideration will be given to the application of any identified solution/s (including further, follow-up investigations and surveying activity, remediation works et al) to all these common locations

7 The Importance of Competence

- The Council – as set out in detail, including individual roles and responsibilities, within the range of operational Policies (and their supporting Procedures) – operates clear thresholds, standards and expectations for the professional competence and expertise of all those individuals, organisations (including external contractors/service providers) and agencies which are or become involved in the management, repair, maintenance and/or refurbishment of the buildings which make up its social/affordable rented Housing Stock
- The application and adherence to the Council's competency thresholds, standards and expectations – and actively raising any concerns that these may not have been applied and hence compromised – are generic responsibilities of all Council Staff
- In addition, the position of (see Section 5 – Key Strategic Roles and Responsibilities – TITLE) retains specific responsibility for maintaining the Council's 'Landlord Compliance/Resident and Building Safety Competency Matrix' which will set out the involved competency thresholds, standards and expectations and their consistent application within the range of operational Policies which form a key part of the Council's overall System/Framework (see Section 4) for maintaining building and resident health and safety
- This Matrix will also assist in the shaping of the Council's approach and delivery plans for the internal training and development of all those with roles and responsibilities relating to building and resident and health and safety (as set out in Section 5) in order to improve capacity, capability and skills – encompassing, as a minimum, Council Officers, Council Members and engaged residents
- In respect to (as referenced above) external contractors/service providers which may be engaged by the Council to work in the management, repair, maintenance and/or refurbishment of the buildings which make up its social/affordable rented Housing Stock, it must be emphasised that the Council's thresholds, standards and expectations for their professional competence and expertise apply on a continuous, ongoing basis – *and not only upon their initial contractual appointment*
- The Council's approach (including individual Officer/s responsibilities) to the continuous management and oversight of its contractors – including those engaged in building and resident health and safety activities – and the establishment of regular, routine assurance as to their competence will be set out within its 'Contractor Management Policy'

8 External, Independent Third-Party Scrutiny

- The Council is committed to the regular, routine involvement of External, Independent Third-Party organisations in the active scrutiny of its approach to ensuring building and resident health and safety – and welcomes the positive impact and impetus to continuous improvement which such external oversight and involvement can bring
- As a minimum, the Council's commitment to maintaining its openness to external scrutiny and accountability in respect to building and resident health and safety includes:
 - Independent External Audit (IEA) arrangements targeted upon both individual aspects of building and resident health and safety (for example, though not limited to, the 'Big 6' activity/risk areas) as well as foundational, cross-cutting elements of the Council's wider System/Framework as Data Management/Control, Performance Management, Quality Assurance and Resourcing (Lines of Defence/Separation of Duties et al)
 - Works-Based Quality Assurance/Quality Control (QA/QC) regimes focussed upon key building and resident health and safety-related activities and risks – designed, developed and implemented in consultation with and the involvement of residents within our HRRBs
 - Active, co-regulatory engagement with the Regulator of Social Housing in respect to evidenced compliance with its Consumer Standards, including – though not limited to – the Home Standard and its requirements regarding building and resident health and safety, the submission of Annual Returns including those relating to Tenant Satisfaction Measures (see Section 6)
 - Similar active, open engagement with the Building Safety Regulator in respect to the submission of Building Safety Cases/Safety Case Reports regarding the Council's Higher-Risk Resident Buildings (HRRBs) and any and all subsequent dialogue which may result

9 Amendment Log/Version Control

9.1 Revision Detail/Record:

Date of Revision:	Record of Amendments:	Reason for Revision:	By Whom: Name and Title

10 Appendices (*SWT and HIS currently have separate Building Safety policies but there will be single policies developed as this Strategy evolves.*)

1. 'Building and Resident Health and Safety Action Plan 2023-2025'
2. 'Annual Building and Resident Health and Safety Compliance Assurance Statement' Proforma
3. 'Gas and Carbon Monoxide Safety Policy'
4. 'Electrical Safety Policy'
5. 'Fire Safety Management Policy'
6. 'Asbestos Management Policy'
7. 'Water Safety (Legionella) Policy'
8. 'Lifts and Lifting Equipment Safety Policy'
9. 'Building Safety Policy'
10. 'Customer Complaints Procedure'
11. 'Landlord Compliance/Resident and Building Safety Competency Matrix'
12. 'Contractor Management Policy'