



**Rural Stirling**  
Housing Association



Quality property  
management services

## **Group Landlord Facilities Health and Safety Statement and 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>	Group Landlord Facilities Health and Safety Statement and Policy
<b>Policy Category</b>	Landlord Health & Safety
<b>Approved by Board</b>	25 November 2021
<b>Review Period</b>	Annually
<b>Review Date</b>	November 2022

# LANDLORD FACILITIES H&S POLICY STATEMENT

## 1. Purpose

- 1.1 To define the Health, Safety & Welfare policy of the Rural Stirling Group (RSG) 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 Landlord Facilities Health and Safety Policy 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 RSG's activities as a Landlord. Reference should be made to the full LFH&S Control Manual and its associated documentation and records for the comprehensive arrangements in place to implement the commitments of this Statement.

## 3. SHR Regulatory Standards

- 3.1 The SHR's regulatory framework sets out Regulatory Standards of Governance and Financial Management to be achieved by all Registered Social Landlords (RSLs). The Board accepts that it is responsible for ensuring that the Association complies with these standards. The standards of direct relevance to this policy are noted below:

- 1. *The Governing Body leads and directs the RSL to achieve good outcomes for its tenants and other service users.*
- 4. *The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose.*

## 4. Equality & Diversity Statement

We will ensure that this policy is applied fairly and consistently. In implementing this policy, we will not directly or indirectly discriminate against any person or group of people because of their race, religion or belief, gender, disability, age, sexual orientation or any other grounds. Our commitment to equality and fairness will apply irrespective of factors such as age, disability, gender reassignment, marital or civil partnership status, pregnancy or maternity, race, religion or belief, sex, sexual orientation, or other personal attributes.

This policy and any other Rural Stirling Group (RSG) publication is available in other formats eg., other languages, Braille, large print, audio.

## **5. Landlord Facilities H&S Policy Statement**

- 5.1 The Chief Executive holds overall executive control and is, therefore, responsible for the conduct of the RSG from a Landlord's Facilities Health & Safety perspective.
- 5.2 The RSG shall ensure that accountability and responsibility for the implementation and operation of facilities related Health & Safety arrangements is discharged by formally appointed personnel of appropriate seniority and competence and that adequate resources are allocated to these roles.
- 5.3 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 RSG's undertaking as a Landlord. To enable these statutory duties to be carried out, it is the policy of the RSG, 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 RSG; that all practicable steps are taken to manage the Health, Safety and Welfare 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.
- 5.4 It is the Policy of the RSG, 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 RSG'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 HS&W 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 and at least annually. Communication of any such changes shall be made to all employees.
- 5.5 To enable the RSG to meet its statutory duties and commitments set out above, a comprehensive LFH&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 Board of Management 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.
- 5.6 This Policy Statement shall be published on the RSG's website to ensure that all interested parties can view this commitment to Landlord's HS&W 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 RSG's Property Services Officer.

- 5.7 It shall be the duty of all **employees** with defined responsibilities under this system to:
- a) Co-operate with the RSG so far as is necessary to ensure compliance with any duty or requirement imposed on the RSG, or any other person, under any relevant statutory duties.
  - b) Comply with any safe working procedures, practices or 'rules' set out by the RSG and with the information, instruction and training provided.
- 5.8 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.

<b>Chief Executive</b>	<b>Donna Birrell</b>	<b>Signature</b>		<b>Date</b>	
<b>Chair Board of Management</b>	<b>Mark Griffiths</b>	<b>Signature</b>			
				<b>Review</b>	25 Nov 2021

**EVH Landlord Facilities HS&W Policy Statement Section 4.0, October 2016**  
**EVH Landlord Facilities Safety Control Manual**

## ROLES AND RESPONSIBILITIES

### 6. Purpose

- 6.1 The purpose of this policy is to define the roles, responsibilities and accountability of RSG employees, from top management throughout the management chain.

### 7. Responsibilities – Overview

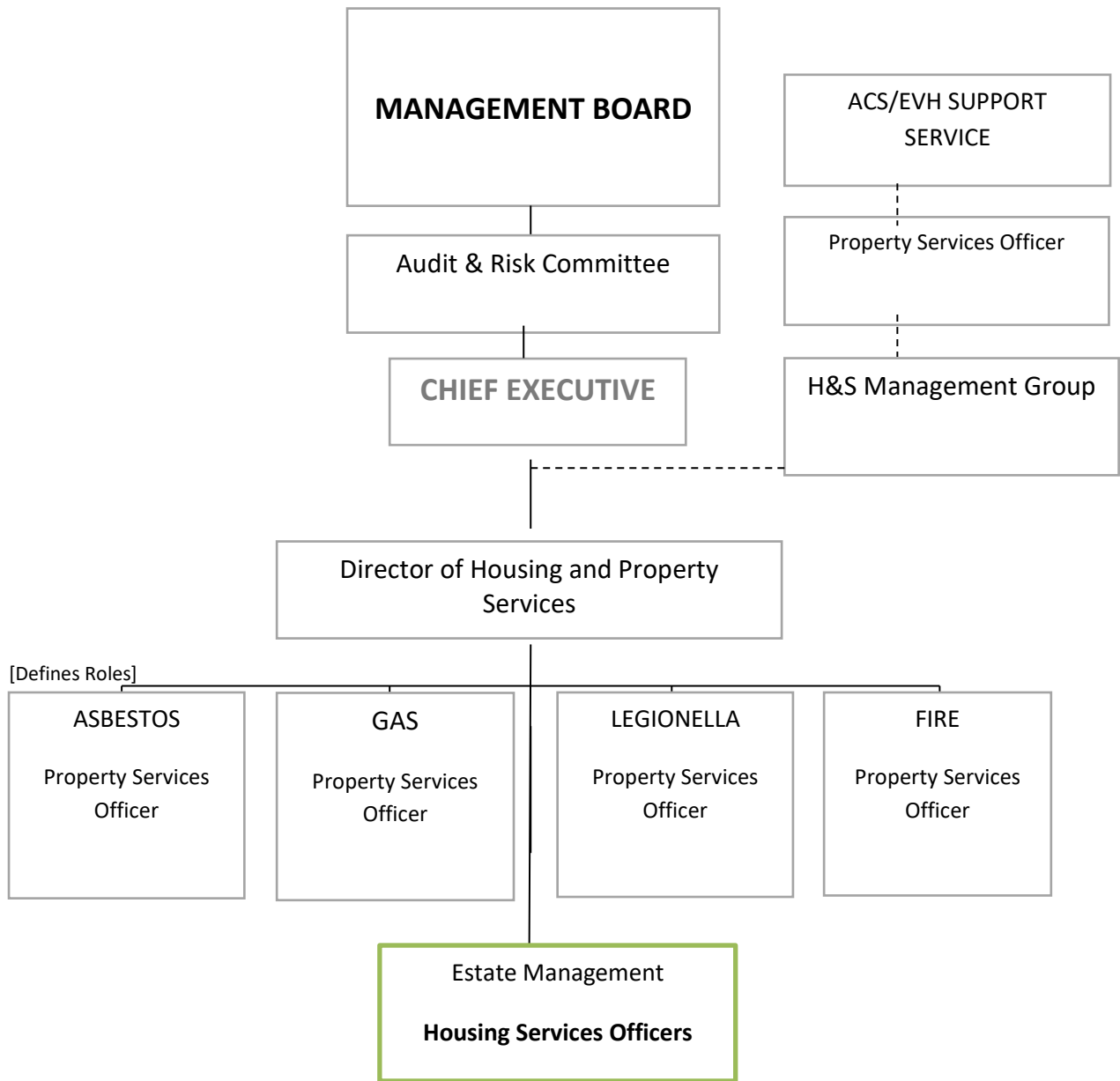
- 7.1 It is recognised that the successful management of LFHS&W across the RSG's property portfolio and tenancies requires the commitment of the Senior Management Team (SMT) and all persons with responsibility for delivering the Landlord's duties.
- 7.2 All employees have a responsibility to diligently 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."*

- 7.2 The following sections set out the principal Landlord related HS&W responsibilities of individuals within the RSG. These duties shall be in addition to the general duty upon all employees to ensure the Health, Safety and Welfare of themselves and all others who may be affected by their undertakings.
- 7.3 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 RSG of homicide, thus making it easier to prosecute RSGs.

7.4 The management responsibilities defined within this Control Manual should ensure that adequate and appropriate managerial control is exercised over the Landlord's HS&W duties to protect against prosecution.

**8. LFHS&W RSG Chart**



## **9. Responsibilities – Management Board**

- 9.1 The Management Board, headed by a Chairperson, comprises ‘lay persons’ from the local community, acting as a body to oversee the operations carried out by the RSG.
- 9.2 It is recognised that the Management Board, whilst not actively involved in the day to day running of the RSG, 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 LFHS&W.
- 9.3 The Board will endorse the LFHS&W Policy and Manual, 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.
- 9.4 The Board will place ‘LFHS&W’ 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 LFHS&W related issues. The Board will give all such issues due consideration and will make available all reasonable funding and support as may be required.
- 9.5 The Board will review the findings of all internal and external LFHS&W audits carried out within the RSG and will authorise the use of all reasonable support required to rectify any significant non-compliances identified by the audits.
- 9.6 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.
- 9.7 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 LFHS&W at all meetings. This should also assist the Board in determining whether the Chief Executive is managing LFHS&W adequately within the RSG.
- 9.8 The Board shall accept their responsibilities below and review their responsibilities at least annually.

## 10. Responsibilities - Chief Executive

- 10.1 The Chief Executive is responsible for the general day to day running of the RSG. It is recognised that this function incurs the overall responsibility for LFHS&W management within the RSG and the requirements of this Manual will be adopted to ensure adequate provisions are made and maintained.
- 10.2 The Chief Executive will appoint the Director of Housing and Property Services who shall be responsible for taking executive control of the implementation of the LFHS&W system and for implementing the Management Board's vision/plan for LFHS&W.
- 10.3 The Chief Executive will endorse the LFHS&W 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.
- 10.4 The Chief Executive will hold *ultimate responsibility* for the implementation of the RSG's policy, procedures and arrangements (this Manual and associated documentation), although the Director of Housing and Property and Services will have executive control of this function. To this end, they will appoint an adequate number of competent persons to achieve and maintain legal compliance. This will include a 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 her consent or connivance or as a result of her negligence (Health & Safety at Work etc. Act 1974, Section 37(1)).
- 10.5 The Chief Executive will report on LFHS&W performance, funding requirements, safety failures and other related issues at each Board of Management 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 LFHS&W purposes.
- 10.6 The Chief Executive will ensure that LFHS&W considerations are taken into account for all new investment opportunities and in the RSG's estates/property development policy. The objective will be to design out risks so far as is reasonably practicable.
- 10.7 The Chief Executive will be responsible for allocating duties, resources and funds as appropriate to implement and maintain the LFHS&W system and as may be reasonably requested by the Director of Housing and Property Services.



10.8 The Chief Executive will ensure that adequate communication channels exist throughout the entire RSG to allow LFHS&W issues to be dealt with timeously and effectively. All staff and tenants will be given the opportunity to raise any LFHS&W related queries with appropriate management staff.

10.9 The Chief Executive will ensure that all significant safety failures are fully investigated and reported to the Management Board. She 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.

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

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

Name	<b>Donna Birrell</b>	Signature		Date	
Review Date	25 November 2021				

## 11. Responsibilities – Director of Housing and Property Services

- 11.1 The Director of Housing and Property Services shall be responsible for taking executive control of the implementation of the LFHS&W system and for implementing the Management Board’s vision/plan for LFHS&W. This role will be regarded as one of ‘senior management representation’ for LFHS&W and for technical compliance with the Landlord’s HS&W duties.
- 11.2 The Director of Housing and Property Services will provide operational support to the Chief Executive and discharge many of the day-to-day management tasks required in the running of the RSG’s LFHS&W system. It is, therefore, recognised that this function incurs some significant responsibility in terms of the Landlord’s HS&W duties. In particular, the Director of Housing and Property Services may be held liable where Health & Safety offences are committed with her consent or connivance or as a result of her negligence.
- 11.3 The Director of Housing and Property Services 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 Director of Housing and Property Services will also ensure that any remedial measures agreed with the Chief Executive are effectively actioned.
- 11.4 The Director of Housing and Property Services 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.
- 11.5 The Director of Housing and Property Services will give due consideration to all LFHS&W related requests from the Health and Safety Administrator (HAS) technical staff and tenants, taking appropriate action where necessary and requesting support / approval from the Chief Executive where required.
- 11.6 The Director of Housing and Property Services will take an active participation in the Audit and Risk Committee. This will involve the raising of pertinent issues for consideration by the Board and the reporting of Board concerns to the Chief Executive and other staff as may be appropriate.

Name	<b>Craig Wood</b>	Signature		Date	
Review Date	November 2021				

## 12. Responsibilities – Audit and Risk Committee

- 12.1 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 RSG’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 Management Group and arriving at conclusions and recommendations for reporting to the Board and for monitoring all action plans relating to H&S.
- 12.2 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 RSG as a whole.
- 12.3 The Committee will suggest solutions and initiatives for issues arising, which will be minuted and presented to the Chief Executive following each meeting, without undue delay.
- 12.4 Where appropriate, the Committee will recommend proposed revisions to policy, procedures and arrangements, for ultimate approval by the Chief Executive and Management Board.
- 12.5 The Committee will review the LFHS&W performance of the RSG, analysing findings from technical assessments, reports on compliance issues, common challenges and data from other information gathering exercises. Recommendations on options to improve LFHS&W performance will be made to the Chief Executive without undue delay.

12.6 Committee Members will acknowledge this policy on an annual basis, below.

Name	Fiona Boath	Signature		Date	
Review Date					
Name	Mark Griffiths	Signature		Date	
Review Date					
Name	Margaret Vass	Signature		Date	
Review Date					
Name	Susan Macmillan	Signature		Date	
Review Date					
Name	Lorna Cameron	Signature		Date	
Review Date					
Name		Signature		Date	
Review Date					

### 13. Responsibilities – Employees with technical compliance duties

- 13.1 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.
- 13.2 Employees will comply with the relevant policies, procedures and arrangements set out in the LFHS&W Control Manual and with any information, instruction and training provided.
- 13.3 Employees will report to their Line Manager or Director of Housing and Property Services, any identified breaches of HS&W 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.
- 13.4 Employees will inform their Line Manager or Director of Housing and Property Services, without undue delay, where they believe that further training or other risk control measures would be beneficial.
- 13.5 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.
- 13.6 Employees' defined roles and areas of responsibility in relation to LFHS&W will be recorded below.

Name	Job Title	Role/Area of Responsibility
Robert McGregor	Property Services Officer	Administration of all matters relating to the maintenance of management systems for Asbestos, Gas Fire and Legionella and the associated contracts
Michelle Johnson	Property Services Co-ordinator	Administration of all matters relating to the maintenance of management systems for Asbestos, Gas Fire and Legionella and the associated contracts
Dana McNulty	Property Services Assistant	Administration of all matters relating to the maintenance of

		<b>management systems for Asbestos, Gas Fire and Legionella and the associated contracts</b>
<b>Jackie Leeds</b>	<b>Housing Services Manager</b>	<b>Execution of estate management inspections and administration of associated actions</b>
<b>John Mallon</b>	<b>Housing Services Officer</b>	<b>Execution of estate management inspections and administration of associated actions</b>
<b>Vacant</b>	<b>Housing Services Officer</b>	<b>Execution of estate management inspections and administration of associated actions</b>
<b>Gillian Lynas</b>	<b>Housing Services Officer</b>	<b>Execution of estate management inspections and administration of associated actions</b>
<b>Rebekah Hawkins</b>	<b>Housing Services Officer</b>	<b>Execution of estate management inspections and administration of associated actions</b>
<b>Lesley McGregor</b>	<b>Housing Services Adviser</b>	<b>Execution of estate management inspections and administration of associated actions</b>

**14. Responsibilities – Landlord Facilities Safety Administrator (LFSA) role fulfilled by the Property Services Officer**

- 14.1 The function of the LFSA is, by definition, one of ‘**administration**’ as opposed to ‘**management**’. The LFSA will be fully supported by the Chief Executive and Director of Housing and Property Services
- 14.2 The LFSA will undergo suitable training, which will include as a minimum ‘Landlord’s Facilities Health & Safety Awareness’ and instruction in the administration duties expected of them by the Director of Housing and Property Services .
- 14.3 The LFSA 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. The LFSA will also be responsible for the timeous review of appropriate policy documents.
- 14.4 The LFSA will provide assistance to the Chief Executive, Director of Housing and Property Services, Audit and Risk Committee, H&S Management Group and Line Managers from an *administration* perspective. This may involve liaison with the EVH/ACS Support Service and the communication of correspondence between parties.
- 14.5 The LFSA will be responsible for communicating relevant LFHS&W information throughout the RSG and to tenants, where appropriate.
- 14.6 The LFSA will acknowledge this policy on an annual basis, below.

Name	Robert McGregor Property Services Officer	Signature		Date	
Review Date					

## **ROLES AND RESPONSIBILITIES: COMPETENCE, TRAINING AND AWARENESS**

### **15. Purpose**

- 15.1 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.
- 15.2 To effectively manage the competency control process and to maintain and retain appropriate records.

### **16. Definitions**

- 16.1 'Awareness' – in terms of Health and Safety and welfare (HS&W) means to be conscious of HS&W issues, e.g. hazards, risks and risk control.
- 16.2 'Competence' – is the demonstrated ability to evaluate and apply knowledge and skills, whilst acknowledging one's limitations.

### **17. Competence and Training**

- 17.1 The Director of Housing and Property Services will be competent, trained and experienced in the area of facilities/landlords' risk management with demonstrable competence in managing compliance issues across property portfolios.
- 17.2 The Director of Housing and Property Services shall identify the competency requirements for individuals within the team who have delegated duties of a compliance or LFHS&W nature. Where the need for additional information, instruction and training is identified, this shall be reported to the Chief Executive without delay.
- 17.3 The RSG 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 LFHS&W 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.
- 17.4 The Audit & Risk Committee shall be responsible for approving the Competency Framework, including any additions or deletions on an annual basis. The Competence Framework will include a list of approved training providers.

- 17.5 The Directors of Finance and Corporate Services and Housing and Property Services shall be responsible for the maintenance and operation of the Competency Framework and for ensuring all training is provided timeously.
- 17.6 The Directors of Finance and Corporate Services and Housing and Property Services, , shall identify and appoint competent trainers / instructors to carry out the required training and will provide regular reports on training to the Audit and Risk Committee.
- 17.7 The Corporate Services Team shall be responsible for maintaining records of all information, training and instruction provided to individual employees.
- 17.8 The following minimum competence and training requirements shall apply to those with specific LFHS&W responsibilities and shall be incorporated into the competency framework:
- Management Board – Training in ‘Landlord’s Facilities Health & Safety Awareness’, ideally incorporating a leadership / corporate governance focus.
  - Chief Executive – Training in ‘Landlord’s Facilities Health & Safety Awareness’ and ‘Health and Safety Awareness Training’, ideally incorporating a leadership / corporate governance focus.
  - Director of Housing and Property Services – Suitable qualifications and experience commensurate with a compliance management role and ‘Landlord’s Facilities Health & Safety Awareness’, ideally incorporating a leadership / corporate governance focus.
  - Awareness’ and job-specific instruction (in-house training).
  - Audit and Risk Committee – Training in ‘Landlord’s Facilities Health & Safety Awareness’.
  - Employees with specific LFHS&W 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.
- 17.9 Training effectiveness shall be evaluated in a number of ways, depending upon the specific course provided. This may include examination and certification, peer review and via the results in internal audits, risk assessments and inspections.



17.10 Each employee shall be subject to a formal appraisal process annually, which shall include appraisal of training carried out to date and any outstanding training due to be undertaken.

## ROLES AND RESPONSIBILITIES – EMERGENCY CONTACT DETAILS

### 18. Purpose

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

### 19. 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	ChemTech	
Needle Collection / Body Fluids	Aquaklenz	
Pest Control	Stirling Council	
Police	Police	
Security	N/A	
Waste	Stirling Council	

## **20. Review**

20.1 We will review and update this policy annually. More regular reviews will be considered where, for example, there is a need to respond to new legislation/policy or regulatory guidance.

## **21. Related Documents**

**21.1** This policy relates to the following documents:

- EVH H&S Control Manual
- RSG Accident and Investigation Policy
- Audit and Risk Committee Remit

**Appendix 1**

**Signatures of Board Members**

<b>Name of Board Member</b>	<b>Signature</b>	<b>Date</b>
Mark Griffiths		
Fiona Boath		
Linda Anderson		
Malcolm Begg		
Lorna Cameron		
Martin Earl		
Theresa Elliot		
Anne Law		
Susan Macmillan		
Margaret Vass		
Andrew Faulk		
Scott Kirkpatrick		
Ken Butler		
Mike Morrice		