



## The Decent Home Standard and the Housing Health and Safety Rating System – irresistible force –v- immovable object?

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## Summary of presentation

- Context for HHSRS
- Why we're doing it
- Quick guide to principles and operation
- Impact on Decent Home standard
- Compliance with changed standard
- Statutory enforcement
- Checklist of publications and dates



## HHSRS: the wider context

- Decent places to live
- Reducing health inequalities and fuel poverty
- Promoting the private rented sector via improved physical and management standards
- Complementing HMO and selective licensing
- Contributing to sustainable communities



## HHSRS brings culture change

- More about health and safety, less about bricks and mortar as an end in themselves
- More about risk assessment, less about fixed standards
- Promoting new skills through IDeA, CIH, CIEH
- Encouraging best practice through peer support and regional working
- Less adversarial appeals to Residential Property Tribunal



## HHSRS – Why bother?

- Fitness standard too simplistic: pass/fail
- Missing issues: nothing in fitness standard about fire hazards or means of escape; falls; radon; cold; noise
- We need a means of prioritising action
- We need to mainstream health and safety as part of drive to reduce inequalities and encourage independent living



## HHSRS – the basics

- Housing Act 2004 Part 1
- The “Method” regulations (SI 2005 No 3208)
- Operating Guidance (*previously* “Version 2”)
- Enforcement Guidance
- Guidance for landlords and property professionals...

## 29 hazards in four groups

- Psychological requirements
- Protection against infection
- Protection against accidents
- Physiological requirements (notably cold, damp, mould)

## The Method

- Faults and deficiencies
- Likelihoods and harms
- Hazard scores and bands
- Category 1 (serious) and category 2 (other) hazards
- Distinction is key to Decent Home standard and private sector enforcement regime

## How the Decent Home standard will change on 6<sup>th</sup> April

- The current Criterion "a" is that homes must meet the current minimum standard for housing – i.e. the fitness standard
- When HHSRS comes in, this will be replaced by a requirement that homes must be free of Category 1 hazards
- Some overlap with other Criteria, especially "d" – thermal comfort

## What this will mean for social landlords

- All social landlords will be subject to the changed Decent Home standard
- RSLs as private landlords will also be subject to statutory enforcement by local authority environmental health officers (currently under fitness standard, in future under 2004 Act and HHSRS)

## Achieving compliance with changed Decent Home standard

- No need to carry out new surveys to establish compliance – see previous guidance (2000, 2002, 2004)
- HHSRS should have been built into surveys since 2000
- Hazards like cold should already be in hand under "thermal comfort" criterion (unchanged)
- If HHSRS not already built in, next survey will need to address it, and future work may need to deal with hazards

## What this will mean for RSLs in particular

- Local authorities can be expected to have regard to RSLs' ongoing improvement programmes
- But only if tenants are not exposed to unacceptable living conditions meanwhile
- Authorities will be trying to establish broad enforcement policies across sectors and boundaries
- So worthwhile for RSLs to agree some "rules of engagement"

## Stock surveys



- Refer to previous guidance
- Collect indicative information rather than doing full inspections (top 10 hazards account for 95%)
- Inspect for any known prevalent hazards outside top 10
- Pull information into action plan

## And now back to local authorities' enforcement functions



- Category 1 hazard - general duty to act  
*duty to take the most appropriate action*
- Category 2 hazard - general power to act  
*power to use one of the available options*

## Enforcement options



- Hazard awareness notice
- Improvement notice
- Prohibition order
- Clearance declaration (Cat 1 only)
- Demolition order (Cat 1 only)
- Emergency action (Cat 1 plus "imminent risk of serious harm")

## Mandatory information for owners and landlords



- Reasons for authority's decision
- Category 1 or 2 hazard?
- Nature and location of hazard
- Fault or deficiency giving rise to hazard
- Action to be taken from and by when
- (for prohibition) action that would cancel it

## Some publications and dates



- November 2005: "draft" HHSRS regulations and guidance laid before Parliament and published on ODPM website
- November 2005: interim guidance on HHSRS and Decent Home standard (see handout)
- January/February 2006: other 2004 Act regulations laid before Parliament (HMO licensing, EDMOs etc)
- February/March 2006: re-publish approved HHSRS statutory guidance plus non-statutory landlords' guidance
- April 2006: HHSRS and other provisions come into operation; revised Decent Home and stock survey guidance

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