

The NHMF is inviting submissions from social housing organisations for three awards to:

- The client organisation that was best at meeting residents' needs in the provision of a maintenance service
- The contractor providing the most innovative maintenance service
- The best example of resident involvement in managing maintenance

The awards will be presented at the NHMF Maintenance Conference dinner on 27th January 2009. Some of those shortlisted will be invited to present their ideas at workshops during the conference, so we can all learn from their experience. The winners will feature in next year's Bulletin.

Applications must be in by 17th October 2008, and the deadline for submissions will be 17th November 2008.

The short list will be announced by 19th December, and those short-listed will be invited to the awards ceremony.

We are inviting the National Housing Federation, Housing Corporation, TPAS, and Direct Works Forum to nominate judges, as well as the NHMF committee.

Maintenance includes major repair and improvements as well as day to day repairs and the provision of cyclical services. Services can include anything relevant to the maintenance service, including the way it is managed and delivered, and the tools and information systems used.

Each submission will address the following:

- 1 What is innovative about the service provided
- 2 What are the benefits to the client, the contractor, and the residents
- 3 What were the financial costs and cashable benefits
- 4 What lessons might be learned by other organisations

Our aim in running the awards is to find and publicise best practice from which we can all benefit.

For further details go to www.nhmf.co.uk

NHMF MAINTENANCE CONFERENCE

27th and 28th January 2009, Stratford upon Avon

For more details and to book:

www.nhmf.co.uk 020 8254 5580



NHMF is serviced by M3 Housing

M3 Housing, 5 Commonsides East, Mitcham, Surrey CR4 2QA
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Bulletin



Achieving efficiencies through consortia working

Large maintenance contracts offer large potential savings

Responsive repairs and reactive maintenance is often regarded as the Cinderella of the construction industry, due to its relatively low risk and perceptions of low contract value. However, the reverse is true. The Audit Commission estimates that repairs and maintenance accounts for approximately £2.86 billion of social landlords' annual spend. It's also the service area where social landlords can have the most interaction with their tenants, and where tenant satisfaction is most heavily judged.

Despite this, repairs and maintenance is an area where social landlords often incur inefficiencies. A 2005 Building Research Establishment study concluded that for every £100 spent in a typical reactive maintenance contract, only £42 went on making repairs, with most of the balance comprising contracts' and clients' administration costs.

Similarly, the Audit Commission's recent Better Buys report identifies huge scope for savings in reactive maintenance by improving working processes and price control.

Social landlords interested in obtaining efficiencies in their reactive repairs and maintenance programmes may benefit from alliance with the National Change Agent for Social Housing (NCA), an efficiency initiative set up for social landlords administered by Davis Langdon in partnership with Trowers & Hamlins.

Since 2005, NCA has been working with social landlords throughout England, including the London Area Procurement Network and GM Procure, to achieve efficiencies in their capital works programmes by forming consortia and achieving financial savings and increased market presence by running collaborative procurement exercises and pooling resources to develop joint value

engineering exercises and other efficiency initiatives. To date, 15 consortia have been established, covering 122 social landlords nationwide, accounting for £1.2 million housing units and a combined spend of £4.8 billion. Put together, the consortia have targeted efficiency savings in capital works of £590 million to 2010.

The NCA programme can assist social landlords in achieving efficiencies either in maintenance programmes alone, or developing integrated programmes which cover both capital and reactive works.

NCA administers a £33 million Efficiency Challenge Fund, which is available to NCA consortia to cover some of the costs of their joint efficiency measures. NCA consortia can access an accredited panel of procurement consultants for assistance with the finalisation of their business plan and development of their efficiency targets. Davis Langdon also provide consortia with assistance on project management, efficiency measurement and legal updates, while Trowers & Hamlins provide regular guidance and updates on consortium governance structure, EU procurement, leaseholder consultation, and advises on appropriate forms of delivery contract to help stimulate efficient working practices.

This article by John Forde continues overleaf

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Editorial



Welcome to this year's Bulletin from the NHMF, which continues some of the main themes from the NHMF maintenance

conference in January: more efficient procurement, energy efficiency and sustainability, staff training, and aligning our services more closely with the diverse needs of our residents. The conference itself was over-subscribed. Next year's event will be at the same venue, and with a similar broad range of topics to choose from so make sure to book early.

We are pleased that repairs and maintenance has been added to the brief of the National Change Agency for Social Housing, so that efficiencies on capital repairs can be tied in with improvements to day to day repairs and cyclical maintenance. The most fruitful area for savings still appears to be the removal of duplication and waste in the management and administration of the repairs service, most of which rests in our own hands.

One of the beneficiaries of their funding was Procurement for All, which the NHMF helped to launch, enabling social housing organisations spread across the regions to benefit from economies of scale in procuring both capital works and repairs and maintenance contracts. See <http://www.procurementforall.org>

The credit crunch is already having an impact on development programmes, which will have some knock-on

consequences for maintenance. There may be a shortage of funds for capital works, and a reluctance to dispose of unsuitable properties while the market is weak. Some developers are taking new units off the market and offering them to housing associations for rent. This brings back memories of the housing market package, and some of the maintenance headaches that followed, so it is important that maintenance managers get involved in any purchasing decisions.

Competition for space in the Bulletin means that most of the articles have been shortened - you can find the full articles on the NHMF website at www.nhmf.co.uk and can search our best practice database for more ideas. This particularly applies to the technical articles.

This year we released version 6 of the NHF Schedule of Rates. The NHMF have invested in the development of a radically new approach to procuring void repairs (Viper), based on a lettable standard and a schedule of rates that distinguishes which budget each type of void repair is paid from.

We have seen a huge increase in the volume of repairs being reported on-line using Housecall, reflecting more widespread familiarity with the internet. Housecare now links advice to tenants on their repairs, via your website, to a tenant handbook that can be configured on-line to produce printer ready files. Find out more about these from www.m3h.co.uk

Dave Treanor, Secretary, NHMF

Achieving efficiencies through consortia working

Continued from front page

NCA consortia are already demonstrating the benefits of collaborative working methods. The Efficiency North consortium in the South Yorkshire area have established joint contractor frameworks to supply labour and materials, with collaborative e-auctions for tendering key components. The consortium also operate joint value engineering exercises, and share costs of surveys, planning supervision services and leaseholder management among the members, resulting in savings of £30.92 million to April 2007. The consortium has also used its procurement leverage to create 500 apprenticeships across their communities.

Consortia are making savings by running joint procurement exercises, pooling resources on consultancy costs and aligning specifications and working methodologies. Consortia members can also take advantage of the ability to run joint benchmarking exercises and share best practice within the consortium and with other consortia.

A major feature of consortia procurement is the ability to develop relationships with key suppliers, installers and merchants. NCA has provided consortia with contractual structures to help formalise supply chain deals, enabling consortium members to achieve long term discounts and efficiencies in their capital works programmes in exchange for guaranteeing workflow to suppliers.

With the extension of its remit into repairs and maintenance, NCA is interested in working with social landlords to develop "whole life" asset management strategies, which incorporate both capital works and repairs and maintenance programmes.

John Forde, Trowers & Hamblins
www.ncahousing.org.uk



Delivering tenant services as part of digital switchover

Use the digital switchover as an opportunity to improve customer services

The digital switchover programme is underway and all landlords and housing associations have to consider new aerial systems or upgrades to ensure residents can receive digital TV over the next four years. Whilst there is support from organisations like Digital UK with their new housing accreditation scheme 'Set For Digital', the task can seem daunting as well as financially unrewarding.

However tenant services can easily be delivered via digital interactive TV (DiTV) which are proven to result in front line savings. Looking Local is a portal on DiTV and mobile phones that allows public sector organisations to create audience specific services and allow universal e-access using a range of platforms.

With over 80% of homes now owning a digital TV, 56% of homes being able to interact via their TV and over 90% of the population owning a mobile phone, these are established channels which will only grow as we move towards 2012. Over 80 local authorities and housing associations now offer services via the Looking Local portal and housing services have always been significant in number and a real driver for usage. For most partners, housing is the number one reason their citizens use their service, particularly as accessing the service is free in DiTV and available 24/7.

Examples of housing services delivered via DiTV and mobile on Looking Local:

- Housing repairs
- Choice based lettings
- Benefit claims & supporting information
- Account status and checking
- Integration with back end housing systems
- Reporting of local issues such as

graffiti, anti-social behaviour, missed bins etc

- Consultations on new housing proposals
- Polls on neighbourhood safety and community initiatives
- A range of housing information including all relevant contacts, eligibility criteria, local schemes and tenant rights

Looking Local is particularly focused on those residents who do not have PC skills or internet access and these are often the same residents that have a high usage of local authority housing and other services. Housing associations are putting together action plans to ensure all properties have access to digital TV, so offering resident focused services via DiTV can significantly add to the business case.

All local plans will have to have an element of customer interaction and education involved as well as community consultation and involvement. Considering additional services to be delivered via DiTV from the start can help the community understand the wider implications of DiTV - not just additional channels - and will lay the ground for front line workers who will be communicating the digital TV switchover steps to residents to explain how to use the DiTV services, bringing more customer choice as well as efficiencies and savings to your organisation.

Case study: choice based lettings from Wychavon District Council

Wychavon District Council enabled choice based lettings via their website and take up for the service was a great success. However, after some investigation they found that peaks in traffic on a lunchtime each week were being triggered by

children who had been given their parents log in details in order to bid for a property at school as they did not have access, or the skills, to do so from home.

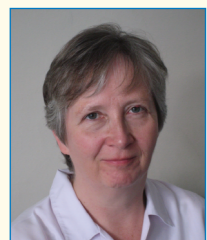
This was a classic example of the digital divide in action, one which Wychavon have now addressed by integrating their core choice based lettings system with DigiTV: DiTV and mobile are now simply additional channels their residents can use to browse and bid on available properties.

Over 70 local authorities and housing associations are already using the DigiTV service provided by Kirklees Council. Near future enhancements to Looking Local will include:

- Availability on broadband connected Freeview TVs - which will allow Video On Demand, and enhanced audio & interactive options
- Trailing of video content on the cable platform
- Integration of further nationally provided housing repair systems
- More access to national choice based lettings services
- Availability of payments

Guy Giles, DigiTV, Kirklees Council





Keeping out of hot water

There have been instances of older hot water cylinders exploding, with tragic consequences

It is a shocking fact that the Health and Safety Executive are aware of four incidents involving fatal injuries to tenants caused by discharge of scalding water: and a further three incidents associated with back boiler explosions.

The HSE are so concerned about these that they have issued a Safety Alert. CLG is writing to Local Authorities in their capacities as landlords, property owners and enforcement agencies for the HHSRS; and the HSE is writing to them in respect of their duties under the Health and Safety at Work Act. The Housing Corporation is writing to all housing associations.

This is an extract from the Safety Alert issued by the HSE.

Particular consideration should be given to systems over 10 years old and systems where homeowners and landlords may have other reason to suspect the adequacy of the initial installation or any subsequent work.

An overheating immersion cylinder will normally show obvious warning signs. Serious incidents like these are therefore likely to be extremely rare. However, there are a number of steps that can be taken to reduce the risk:

1. Occupants should be aware of warning signs (such as excessive noise from the

hot water cylinder) indicating possible thermostat failure and overheating of the water in the cylinder.

2. Storage cisterns should be installed on an adequate supporting base. The incidents that prompted this alert occurred primarily because the plastic storage cisterns were not supported across their entire area. In other words, the base of the cistern protruded over the edge of the base support board.

3. A safety cut-out feature, independent of the immersion heater thermostat, can be fitted to limit the temperature of the stored water, should the thermostat fail. Since 01/04/2004, the fitting of such a feature has been recommended in relation to any repair, replacement or installation work on domestic immersion heaters

The risk is greatest when cisterns are located above bedrooms. This is most likely in houses built between 1945 and 1975. Very often these homes have or used to have a back boiler. If the cylinder is located in a bedroom it is probable that the cistern may be directly above it. Whenever a galvanised (metal) cistern is replaced by a plastic one, the thermostat to the immersion heater should be examined and preferably replaced by one with a safety cut-out.

Typical warning signs include:

- Excessively hot water coming out of the

hot water taps;

- Excessive noise or 'bubbling' from the hot water cylinder;
- Hot water coming out of certain cold water taps (some storage cisterns also feed cold water taps in the bathroom);
- Steam/moisture in the roof space.

In such circumstances the householder or tenant should switch off the immersion heater system. Tenants should alert their landlord. Advice from a competent person such as a qualified plumber should be sought if necessary.

HSE encourages a sensible response proportionate to landlords' stock profile. This might include:

- Where there have been significant modernisation contracts, sample checks to determine whether replacement plastic cisterns have been installed with sufficient support and/or back boilers have either been removed or made safe;
- Performing a safety check when tenants change;
- Providing tenants with information on the warning signs of failures and ensuring they know how to switch the immersion heater off, or not to light an open fire where a back boiler may be present.

Alison Mathias, Housing Corporation

Watch out for SHIFT: sustainable homes index for the future



A membership scheme for housing associations and local authorities, SHIFT provides a comprehensive environmental assessment of an organisation's environmental sustainability. As a result of survey analysis members receive feedback and recommendations on how to

improve. The members will gain the opportunity to drive changes and lead the sector.

SHIFT is managed by Sustainable Homes www.sustainablehomes.co.uk. It is supported by the Housing Corporation, the Bank of Scotland, the UK Green Building Council and the World Wildlife Fund.



Leaseholder consultation in the procurement process

Leaseholder consultation requirements can conflict with the smooth running of consortia procurement



One of the key things to get right (and potentially most expensive to get wrong) in procuring maintenance and improvement programmes is leaseholder consultation.

Applicability

Where a landlord proposes to recover maintenance or improvement costs from leaseholders or assured tenants through service charges, the leaseholder consultation provisions in section 20 of the Landlord and Tenant Act 1985 should be followed. References to leaseholders in this article include assured tenants. Fortunately for local authorities, the provisions do not apply to secure tenants.

If the service charges are less than the appropriate amount, leaseholder consultation is not required. There are "de minimis" provisions for qualifying works (on a per flat/unit basis) where the service charges relating to the works are less than £250. This figure drops to £100 where the works are done (and/or goods or services are supplied) under a "qualifying longer-term agreement" or "QA" (basically an agreement lasting for longer than 12 months).

It is possible for a landlord to apply to the leasehold valuation tribunal ("LVT") for dispensation from the consultation requirements or some of them. This is an increasingly common practice for some larger procurements, particularly when framework agreements are being used (see below for the reasons for this). However, dispensation cannot be used to obtain a carte blanche and can be overturned by the Lands Tribunal in certain circumstances, as has been demonstrated by a recent case appeal involving Camden.

Consultation regimes

The consultation provisions are now found in the Services Charges (Consultation Requirements) (England) Regulations 2003 (or in the equivalent Welsh regulations).

Previously a landlord used to have to obtain two estimates. One of these had to be from a contractor not "connected with" the landlord. There are now different consultation regimes, depending on the procurement route adopted. Where a QIA is used, the landlord has to consult on both setting up the QIA and (if necessary) on carrying out works under it.

There are also different procedures for consulting leaseholders depending on whether or not the procurement is subject to the EU procurement rules.

Consultation process

The consultation on setting up a QIA begins by the landlord serving a "notice of intention" on the leaseholders. Where the procurement does not have to be advertised in OJEU, this notice of intention invites nominations for the contractor from individual leaseholders or a leaseholders or tenants association. Where the procurement is advertised in OJEU, this notice has to be served before the OJEU notice is inserted. The rationale here is that a leaseholder can then encourage their favoured contractor to respond to the OJEU notice.

Before signing the QIA, there is a further consultation. This involves the production and service of "landlord's proposal(s)" These set out details of

- the proposed contractor(s) and any connection between the contractor(s) and the landlord. For an OJEU

procurement there is only one contractor and therefore only one proposal. For a non-OJEU procurement there are two landlord's proposals, one relating to a contractor put forward by the leaseholders;

- the proposed duration of the QIA;
- a summary of consultation responses at the "notice of intention" stage and the landlord's response to them; and
- costs information (based on the best available anticipated information at that stage) including any provisions for costs variations. If this costs information cannot be provided, the landlord must say when they expect to be able to provide it.

The landlord must also consult leaseholders when carrying out works under a QIA. This consultation is about the nature of the works proposed and the reasons for carrying them out.

There are similar regulations when the proposed agreement is not a QIA and concerns qualifying works over £250 as above.

There are no prescribed forms for the consultation materials but LEASE, the leasehold advisory service has examples on its website which can be freely used. These can be found at <http://www.lease-advice.org/councils20frame.htm>.

Landlords must make sure that they retain evidence of having considered any responses they receive. As well as needing to demonstrate (if challenged) that the consultation has properly been carried out, the landlord generally needs to summarise the consultation responses in the next consultation stage and set out their response to them.

This article by Andrew Millross and Jonathan Cox continues on page 8



Asbestos - reaching compliance

An update on asbestos management regulations

It is now over three years since the introduction of Regulation 4 and the "Duty to Manage" regulations with the main thrust of this new legislation being – as the name implies – to ensure asbestos in non-domestic premises is adequately managed. Unfortunately, three years later it still cannot be said that all asbestos management in the UK has reached acceptable standards in many organisations.

Further to additional consultation, the HSE introduced, last November, more changes to the renamed Control of Asbestos Regulations (CAR) 2006.

These amendments are far less reaching in terms of cost and implementation than the changes made in 2004 when the Duty to Manage (Regulation 4) was introduced. That said, these changes are most definitely worthy of note, especially as one element means a loosening of regulatory control regarding textured coatings. Under the changes, textured coatings no longer have to be removed by a licensed asbestos removal contractor. Now implemented, duty holders will have to exercise caution, because textured coatings should be removed only by experienced, trained personnel with appropriate method statements, PPE, safe system of removal and, importantly, insurance for working with asbestos, which is rarely the case for non-licensed contractors.

One item, that will require attention is the introduction of a clear asbestos training mandate for all staff that have the potential to disturb asbestos through the course of their work – this includes but is not limited to: electricians, plumbers and maintenance workers. This mandate also extends to those responsible for instructing people to work on the fabric of buildings. While management can benefit from the legal aspects of compliance, maintenance and operative staff need to know where asbestos is likely to be found and consequently how not to disturb it. A little knowledge goes a long way and will doubtless be the cause of fewer incidents of asbestos being disturbed. This, in turn, means

that people are better protected, costs for remediation are avoided and liability to the employer is reduced.

In light of all of this it would be prudent for providers to examine existing and potential new contracts in detail to ascertain their contractual responsibilities under the asbestos regulations. Regulation 4 explicitly places duty holder responsibilities on all parties that can instruct and carry out works on the fabric of a building, such as maintenance activities.

Whether your property has required a survey or not, if asbestos either is or could be present, then at the very least you must have an active Asbestos Management Plan in place. Such a plan must at all times be accurate and the contents readily available to anyone who may encounter asbestos while carrying out their duties. While, for some, this may well sound obvious, it is not uncommon for records to have remained out of date and fragmented in spite of a survey having been recently carried out. Clearly, if asbestos records are inaccurate, then satisfactory asbestos management is impossible.

Like regular inspection of fire extinguishers and PAT testing, asbestos risk assessments need regular reappraisal. If, at any time, any of the asbestos has been damaged or the purpose of the building has changed, the overall risk rating of the asbestos also changes and this must be recorded and appropriate action taken.

A competent consultant can help develop an extended asbestos management agreement to ensure the risks of asbestos are adequately controlled and managed whilst taking into account budgetary and operational constraints.

Chris Bishop, Training Manager Health & Safety Silverdell

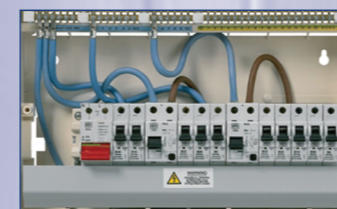
IEE Wiring Regulations 17th Edition

All electrical installations designed after 1st July 2008 must conform to BS7671: 2008 Requirements for Electrical Installations



The regulations apply to the design, erection and verification of electrical installations generally including residential, commercial, public and industrial premises. However the 17th edition has extended their scope, with the inclusion of seven additional special locations such as marinas, exhibitions and fairgrounds. There are significant changes to electrical installations that are not under the supervision of 'skilled' or 'instructed' persons and this means largely, though not exclusively, dwellings.

There are many changes from the 16th to 17th editions of the regulations. Perhaps the most significant with respect to dwellings, or installations that are for use by ordinary persons is that all socket outlets intended for general use shall be protected by a 30mA Residual Current Device. Also any socket outlets up to 32A supplying equipment outdoors shall be RCD protected.



The Wiring Regulations are not retrospective: 'Existing installations that have been installed in accordance with earlier editions of the Regulations may not comply with this edition in every respect. This does not necessarily mean they are unsafe for continued use or require upgrading.'

Chapter 52 of the Regulations requires additional protection for cables in a

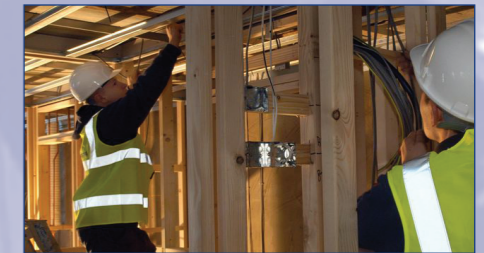
dwelling where they are buried at a depth of 50mm or less within the building fabric. They must be either mechanically protected to such a degree so as to withstand the impact of screws or nails or be RCD protected with a 30mA device. The mechanical protection would have to be in the form of steel conduit or similar. This regulation does not just apply to socket outlet circuits but is applicable to ALL circuits, lighting, cooker and immersion heater circuits for example.

Part 7, section 701 Locations containing a bath or shower has introduced some interesting changes. It is now permissible to install electrical equipment – such as a washing machine – in a bathroom, providing it is outside of zone 2, which is 600mm from the edge of a bath or shower. This equipment could not be connected by a 13A plug and socket outlet but may be connected by a switched fused spur. The spur connection and any associated equipment would of course have to be suitable for the environmental conditions in which it is being used and consideration would need to be given to the IP rating of the equipment and whether it may be splashed whilst in service.

It is permissible under the 17th edition regulations to have a 13A socket outlet in a bathroom; however it must be located 3m or more from the edge of the bath or shower. In my bathroom that would be half way down the landing, but maybe yours is more palatial!

The requirement for installing electrical equipment in bathrooms is of course dependant on ALL circuits in the bathroom being RCD protected with a 30mA device. The increased use of RCDs' brought about by the 17th Edition will mean designers and installers will need to

think carefully about how circuits are going to be controlled at the distribution or consumer unit. It is not allowed to control all circuits in an installation by the use of one 30mA RCD protecting all circuits as this will not minimise inconvenience in the event of a fault, as required by regulation 314.1.



ECA Technical Assessors are frequently asked to give evidence to coroner's courts. In many cases if the electrical installation had been fitted with RCDs' the person whose death is being investigated would be alive today.

Part 6 of the 17th Edition regulations deals with Inspection and Testing. The main change is that the minimum insulation resistance values have increased. Test equipment that currently conforms to the 16th Edition Regulations will be able to be used for 17th Edition Regulations. The changes within the 17th Edition Regulations, particularly terminology, will necessitate the use of new certificates.

The advent of the 17th Wiring Regulations will bring some interesting challenges. However it is an opportunity to revisit how we design and erect electrical installations that are suitable for modern use and provide for the safety of the users against the effects of fire, shock and burns.

Stephen Plant
Electrical Contractors' Association

STOP PRESS: latest news on Energy Performance Certificates is now on our website, in an electronic article by Des Kelly of the National Housing Federation



Harnessing People Power to Deliver Sustainability

Gentoo Construction investing in greener communities

At Gentoo we aim to invest today to build for future generations. We want to challenge existing norms and apply innovation and creativity to generate a better future.

Gentoo Green is a new part of the Group that helps deliver environmental sustainability across Gentoo. Gentoo Construction has seized the opportunity to build on this new resource and is now delivering many positive sustainable outcomes.

Key Challenges

Gentoo's strategy is underpinned by our belief in people and their capacity to change and make things happen. Our

environmental agenda aims to reduce waste and maximise efficiency in energy, waste, recycling, transport and properties.

Once staff were engaged and informed, we asked for Environmental Champions, staff who are self confessed environmentalists and passionate about this agenda. Over 30 people came forward at the initial request and more have received extensive training. They have all gone on to deliver a number of small campaigns such as battery and key recycling, organising recycling facilities for young tenants and promoting fuel efficiency through speed reduction.

A few of the positive outcomes

- Over £320million investment, creating

sustainable communities

- Energy Efficiency Programme (EEP) reducing our customer's fuel bills by £4 million pa and reducing emissions by more than 7,500 tonnes pa
- One of only 3 BRE partners to pilot the EcoHomesXB process
- 18 EcoHomes 'very good' rated new build schemes in process and 1 'excellent' rated scheme in development
- £2 million worth of funding for diverse schemes: free energy saving lightbulbs to installing micro generational technology
- Gentoo has won 2 national awards and several regional awards for our approach to Sustainability in the past year and we have been short listed for the prestigious Housing Corporation Gold Award for delivering joined up development.
- We are listed as one of the top 50 'Best Green Companies' by the Sunday Times.

Dave Piggett, Managing Director, Gentoo Construction

Leaseholder consultation in the procurement process

Continued from page 5

Problem areas

Although the Leaseholder Consultation Regulations were introduced to try to bring leaseholder consultation more into line with modern procurement options, there are still a number of difficulties with the Regulations and how they have been interpreted.

The body that covers leasehold disputes is the Leasehold Valuation Tribunal ('LVT'). It is important to note that the LVT is not a court of law, so any decision of one LVT does not mean that another LVT, hearing a similar dispute, has to follow the decision of the other LVT. Because of this, when we refer to previous decisions of LVTs, it must be noted that other LVTs might come to a different view.

One case in the LVT has suggested that where a framework agreement is used, costs are not "incurred under" that framework agreement. The reason for the LVT's view is that, a framework agreement simply "sets out the terms and prices" for any work called off from the framework agreement but does not (by definition) commit either party to carrying out works. It is under the underlying contract that those costs are "incurred". If this view is correct then this would make it very difficult in practice to use framework agreements. Leaseholder consultation would have to take place on all of the individual underlying contracts under the framework agreement, since these agreements would need to be the QLTA's. This consultation would have to take place before the framework agreement is signed, since that is at the point at which the basic terms of the underlying contracts are fixed. However, if a landlord knows the programme well enough to consult on all the underlying contracts before signing the

framework agreement, it does raise the question whether it is necessary to use a framework agreement.

There are also practical difficulties with using agreements set up by central purchasing bodies (buying clubs) for items procured through OJEU. This arises because of the requirement to have consulted leaseholders before the OJEU notice is placed. When using a buying club a landlord will rely on the OJEU notice placed by the buying club, usually well before the landlord decided to use them.

Until these difficulties are resolved by further legislation, the only practical solution to them is either to keep costs below the £100 threshold, or to seek a dispensation from the consultation requirements from the LVT.

Andrew Millross and Jonathan Cox Partners, Anthony Collins Solicitors LLP

CDM: clients, contractors and smaller construction jobs



The Construction (Design and Management) Regulations 2007 (CDM 2007) were one year old in April

Big companies usually talk about CDM as if all construction work involves principal contractors and health and safety coordinators. Yet small construction jobs are also covered by the Regulations, and CDM 2007 removed a 1994 exemption for very small jobs. So, even if there are only a couple of workers on-site for a few days, the client, designer and contractor are covered by the essential requirements of the CDM Regulations. Very small jobs are included partly because significant hazards (e.g. asbestos, work at height) are still encountered during this work.

Essentially, CDM 2007 requires co-operation between competent project team members, the timely exchange of relevant health and safety information and the effective co-ordination of activities. It includes the following requirements:

1. Duty holders must not arrange for, or instruct anyone, to carry out or manage design or construction work unless that person is 'competent' (or being supervised by someone who is); duty holders must not accept a CDM appointment/engagement unless they are competent to carry it out.
2. There are general co-operation and co-ordination duties on everyone involved (relating to others on the same or adjoining sites); and a specific requirement to implement health and safety measures based on the Management of Health and Safety at Work Regulations 1999.
3. Clients have to take reasonable steps to ensure that work arrangements (including time and other resources) enable the

construction work to be carried out without risk to health or safety; and that these arrangements are maintained and reviewed throughout the project.

4. Clients must tell designers and contractors how much time they have, before the start of work on site, for planning and preparing construction work.

CDM 2007 also confirms that the client should take reasonable steps to ensure the management of health, safety and welfare on site and ensure that the design of workplaces complies with the Workplace (Health, Safety and Welfare) Regulations 1996.

'Notifiable' CDM project

There are extra requirements on clients and other duty holders under CDM 2007 if construction work is 'notifiable' to the HSE (expected to take over 30 days or 500 man-days). These projects must also have a CDM co-ordinator and a principal contractor, plus a construction phase plan (how to build it safely) and a health and safety file (how to use and maintain it safely once it is built). When clients are assessing if large but intermittent jobs are notifiable, they may want to consider whether the job is planned (does it look like a project?) or is it made up of ad hoc, reactive work. Even though (as we have seen) the latter is covered by the essentials of CDM, it may not be notifiable.

Site Waste Management Plans

'Site waste management plans' (SWMPs) became law in England on 6 April for construction projects costing over £300k - a relatively small threshold for a construction project. The main duty to

produce a SWMP is on the client and your appointed principle contractor (PC).

A key aim of SWMPs is to reduce construction waste that goes to landfill. By requiring construction projects to plan for the reuse and recycling of waste on-site, SWMPs can highlight opportunities for minimising waste before site work starts. When an SWMP is complete it will show how resources have been used and how waste has been managed, providing lessons for use on subsequent projects.

Another feature of SWMPs is that they support efforts to prevent so-called 'waste crime', notably fly-tipping. Those responsible for the SWMP should be sure of the intended destination of waste removed from site, that waste is being taken away by registered waste carriers and as far as possible, that the waste is managed legally and responsibly. A SWMP will require documentary evidence for compliance with waste 'duty of care' legislation.

A welcome development in the Approved Code of Practice is the clear statement that excessive or irrelevant paperwork is not appreciated. ECA is keen to work with clients to ensure that jobs deliver cost-effective risk control and not expensive reams of forms and questionnaires.

Paul Reeve, H, S&E Manager
Electrical Contractors' Association

Training to succeed

Kinetics: the large public service contractor offers opportunities for young people



Train to Gain

Train to Gain is a government initiative to help businesses improve the skills of their workforce so that they are more

competitive. If employees do not have a NVQ at Level 2 or equivalent then they could be eligible for Train to Gain funding. This scheme helps businesses improve their competitiveness and maximise their budgets. We should not let a lack of skills hold our business back.

Training helps employees understand their job role more fully and identify ways to improve. In Britain 1.3 million people go to work each day without the necessary job skills. Train to Gain offers a range of qualifications.

Opportunities are also available for:

- wage compensation for time employees are away from work;
- improving literacy, numeracy and English.
- Apprenticeships are aimed at young people and there is greater funding for 16-18 year olds (but are they old enough to become competent trades) and marginalised sections of our society

Apprenticeships are intended to be an alternative route to qualifications. BUT if people are from a disadvantaged background / have few or no existing qualifications, they are likely to need longer or a pre- apprenticeship preparation programme.

Five simple steps to great training

By ensuring our employees have the right skills to do the best job, Train to Gain can help boost productivity and keep us ahead of



New qualifications for the housing maintenance sector

Employers are suffering from a continuing shortage of technical staff. Can training help?

Even when technical staff or candidates with potential are appointed, they need a structured approach to training – either to augment existing knowledge and aid promotion, or indeed, to provide an internal programme for trainees. Feedback suggests that generic construction or housing management qualifications are not meeting the core occupational requirements needed to complement and support job roles in housing maintenance.

Our customers are rightly expecting a more qualitative and efficient approach to undertaking repairs or improvements to their property, the provision of greater choice and a more streamlined method of delivering repairs. As a result, technical staff require a dedicated and structured training process to meet an increasingly demanding future where quality and strict management controls will be essential.

With partnering contractors, technical staff are required to understand the practicalities of tender and contract management, customer services, technical surveying (in all its aspects), negotiation, commissioning, cost control and financial management. There is also likely to be greater integration between development and property services, and a more strategic approach to stock rationalisation.

- the competition. Working closely with a highly experienced Train to Gain skills broker we can provide quality, affordable training for our employees. Together we will:
- 1 Identify the skills our business needs
 - 2 Pinpoint the right training
 - 3 Agree a tailored training package
 - 4 Find available funding
 - 5 Review the progress we are making

To fill this gap the Chartered Institute of Building (CIOB) and the Chartered Institute of Housing (CIH) have come together to create a new range of qualifications for the housing maintenance sector.

The qualifications

From the outset, the purpose of the qualifications has been clear – to provide a coherent programme of education for Housing Maintenance professionals, to support development and to underpin progression and ultimately, assist with staff retention.

However, the qualifications are also intended to reflect a changing marketplace, particularly at a Management level, where future skills will be required in asset management, lifecycle costing and reinvestment portfolio. The structure at each level is drawn from the current skills base established to meet occupational requirements for administrators, surveyors, team leaders and/or managers.

Become an accredited centre to deliver the qualifications:
<http://www.cih.org/education/housingmaintenance/>

Dave Bramley
Chartered Institute of Housing

These steps are followed working with our Train to Gain skills brokers. They are all specialists in training and have a proven track record of providing effective advice to business. If we need it, they can also provide access to a wider network of business support services.

We do not do this alone-- we work with a number of framework organisations



Bringing women into the industry

Technical areas in the construction industry have traditionally been male strongholds. SLH wanted to change that

SLH's reputation for innovation is bolstered by the numbers of women working in technical and managerial roles. Keen to retain high-calibre staff who are well-qualified, eager to excel in their technical capabilities and able to build understanding relationships with tenants, SLH is not slow to spot talent and maximise individual's potential within all departments.

Once part of a team many women are inspired to follow career paths they may not initially have considered. As they become proficient in their roles talent is noticed with staff encouraged to develop their skills and pursue particular interests. Staff are mentored by managers and peers whilst studying for professional and educational qualifications. As the construction industry is not often the first choice of a career for women, it is important that housing organisations promote bringing women into the sector, starting in schools.

Female staff within Property Services have appreciated this training programme as it provides structure and confidence in an industry mainly consisting of qualified men. One of our female staff was the only woman on a course of 25. However with the mentoring support from SLH, the female staff who are motivated to succeed have achieved beyond their expectations both academically and at work.

Senior managers at SLH are keen to develop their staff as it creates a motivated workforce who are able to provide excellent services. One of the key facets of SLH's business attitude is to respect and value their staff, so trainees are mentored by managers or peers who understand their role and can inspire trainees with development advice and vision of where their career can lead to within the business.

Bringing women into the industry also makes SLH an attractive employer and it increases retention of staff. Opening up the

technical side of the business to women challenges preconceived ideas- not only the presence of women in traditionally male roles, but also in the processes and systems of the business. A fresh perspective from female staff offers new ways of providing services through imaginative interactions with tenants and a desire to provide excellence in all that SLH do. Encouraging women to apply for technical roles also increases the quality of staff at SLH as there is increased competition for job roles.

As a result of educational development, promoting talent within the organisation happens readily, once staff have proved their capability and technical skills. Female staff are not button-holed into one type of career and most departments have a mix of female and male staff of varying technical skills. This benefits SLH as all staff, whether male or female are more able to succeed in roles for which they are compatible- regardless of their gender.

The third benefit of bringing women into the industry is to our tenants. SLH aims to build a community which has a strong mix of ages, genders, ethnic background and respect for each other. By encouraging female staff into a variety of jobs, respect for diversity and originality is promoted. As our tenants have witnessed, female staff bring an ability to effectively communicate technical information in an appropriate manner and strive to excel at every opportunity when interacting with our tenants. Tenants receive services that have been challenged and proved effective, delivered by highly trained professionals who are able to build the relationship that SLH wants with our community.

SLH are proud to bring women into the construction industry.

Julie Fadden, SLH

such as Fusion 21 who provide the trainees and training and they have excellent systems which we are able to access. They encourage us to look at our training, offer new ideas and be proactive in seeking placements from them. They channel revenues and profit into worthwhile schemes that directly benefit the communities in which they work, monies

- which might well have been lost had they not existed.
- Good planning and preparation are everything – don't try and rush into schemes and end up with the apprentices being disadvantaged by your lack of planning
 - Be realistic about how long to run a scheme for – 24 months is needed for

- most as a minimum
- Our experience is that trainees across all trades work better

We can help you to deliver a project with a successful training outcome.
www.kineticsgroup.co.uk

Chris Cheshire, Kinetics Group Ltd

RSLs engaged in regeneration



Social landlords have a critical role in delivering more housing in sustainable communities

By joining forces with Urban Hope (a regeneration company owned by Liverpool Hope University), Chester & District Housing Trust has within the last two years transformed itself from a failing organisation to one which has achieved Two Stars and Excellent prospects for improvement in its recent audit inspection, whilst also achieving outstanding performance in all areas, operating costs and one of the highest customer satisfaction ratings in the sector. Equally Urban Hope has in five years undertaken seven major capital initiatives two of which have won partnership design awards and created an investment of over £30m in some of the poorest wards of Merseyside.

Together they have a strategy for joint working and utilising Social Landlords as key vehicles for regeneration and change.

Key to this approach is:

- placing regeneration at the heart of the C&DHT growth strategy,
- supporting a cultural change within the organisation itself to ensure all staff are aware of the importance of regeneration in its future,
- achieving the support of the C&DHT Board for adopting a holistic approach to core business, to become more than just another good landlord,
- targeting key staff to realign their role to become agents for development and change,
- engaging partners and residents in ways which achieve support and trust.

This is captured in the four fundamental elements of our joint growth strategy, each of which can be shown to have delivered real and measurable outcomes:

- provide more homes to meet housing need in Chester; we have gone some way to meet the stretching targets established by our partner Chester City Council,
- don't do it if its not sustainable; all our developments are linked to wide outcomes, from Neighbourhood Management through to community ownership of assets and social enterprise initiatives,
- create profit for social purpose; ranging from amazing operating costs to cross subsidising activity by making the best use of all known assets,
- be a social business; one element of this is aimed at ensuring that at least 50% of all colleagues at the Trust are recruited from the communities it serves.

The alliance between C&DHT and Urban Hope is little over 12 months old and in that time each of the above and much more has been delivered:

Neighbourhood Management – This has involved taking a lead with a community based organisation, Blacon Community Trust, in the succession strategy of the Blacon Neighbourhood Management Pathfinder. The Pathfinder has sought to bring together key agencies to deliver services in a more co-ordinated and effective way and to achieve also a more responsive approach by agencies to local residents' needs. This approach seeks to create a more self reliant, less grant dependent and more effective way of delivering neighbourhood management services.

Knowing your Assets and using them – A difficult key challenge for Chester in general is securing regeneration funds in an area that is often perceived as affluent

while retaining key areas which are subject to all the poor social indices that traditionally defined regeneration areas. C&DHT and Urban Hope have joined forces to identify and develop key land sites which enable commercial profit to be utilised to cross subsidise regeneration activity. Taking this forward requires considerable work to gain the support of key players involved in the political process of managing local assets.

The authors met in South Africa, while visiting a number of social enterprises. Many of the initiatives they saw were undertaking life changing activity with excluded communities, mostly with no grant. This experience reaffirmed their belief in the importance of creating a sound business model to generate surplus revenue to utilise for social purpose and to sustain activity which will provide real opportunities in education, training, jobs and health, all located where people live

Uganda Exchange – An exchange scheme for front line maintenance and construction staff at C&DHT undertaking six week placements in Uganda to work with local people to construct a learning centre. This scheme provides a life changing experience for staff who will step out of their own comfort zone to see a very different perspective of the world and the difference their skills can make.

John Denny, Chief Executive of Chester & District Housing

Martin Carey, Chief Executive Urban Hope,



Sustainable energy and social housing

Existing housing stock in England accounts for 27% of national carbon dioxide emissions



The UK Government has set a target that all new homes will be zero carbon by 2016. Yet there is no standard set to tackle emissions

from the existing housing stock of some 22,000,000 homes which represent the main challenge.

The 'Generation Homes' (GH) refurbishment, completed by Radian Group (Drum Housing) in 2007, was the first sizeable project of its kind to be undertaken in the UK and comprised the energy efficient refurbishment of six homes built in the 1950's.

The benchmark for GH compliance is that post refurbishment the home must either produce no greater than 2 tonnes of annual household CO₂ emissions or the total annual emissions must be reduced by a minimum of 60% per annum. The GH figure is set at 60% in line with the Government's pledge to reduce overall CO₂ emissions nationally by the year 2050.

Regardless of the cuts required to be made in emissions in other sectors in order to achieve the 2050 target, such as industry and transportation, it is estimated that a minimum of 450,000 existing homes need to be refurbished to the GH standard or similar every year from the present to 2050. Only a very limited number of examples have been completed nationally to date meaning that a higher number of refurbishments will be required in subsequent years to keep the possibility of meeting the target realistically on track.

Serious consideration to the financing and up-skilling within the construction industry is required to make progress a reality.

Radian's GH project provides details of one satisfactory solution to the challenge and was acknowledged by several national awards in 2007 in recognition that wide scale replication of the approach is now urgently needed. The pilot scheme cost 32,000 per home and CO₂ reductions of an impressive 75% were in fact achieved post refurbishment (from 9.8 to 2.4 tonnes annually) by installing a package of energy efficient and renewable energy measures.

Radian estimate that more around 12% of its residents in their 16,000 existing homes are living in fuel poverty (e.g. they are spending more than 10% of their disposable income on heating costs), a proportion that has been exacerbated by high increases in fuel costs during recent years. At the GH project, some residents were formally spending as much as £1,500 on heating and power each year in a temperate climate. Monitoring over the period of one year since completion reveals that on average running costs have been reduced by 50% helping to provide much needed affordable warmth.

Paul Ciniglio, The Radian Group

Energy efficiency - Wolverhampton Homes



Wolverhampton Homes in partnership with British Gas / Wolverhampton CC is using grant funding to deliver their energy efficiency programme.

The Carbon Emissions Reduction Target (CERT) is a statutory obligation on energy suppliers to deliver energy improvements in housing. Housing organisations and local authorities can access grants when they install energy efficient measures such as:

- gas, LPG or oil central heating which replaces electric systems (fuel switching)
- dry lining
- cavity and loft insulation
- external wall insulation
- draught proofing
- thermostatic radiator valves

Housing providers are advised to shop around as rates vary according to each energy provider.

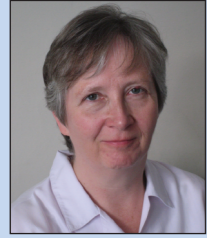
In addition to the above Wolverhampton Homes runs an 'affinity deal' which provides continual gas and electricity during the period in which a property is empty from a single energy supplier. This has the double benefit of allowing works to be done on a void, and maximising income. A switch fee for dual fuel for all the companies' voids can potentially bring in around £30k per year and greatly assist with timescales. The affinity deal was developed with tenants to ensure that future customers had utility services with an option to 'opt out', should they wish to switch provider.

There is also new funding available for renewable energy under Low Carbon Buildings Programme (LCBP) Phase 1. The programme provides grants for the installation of microgeneration technologies such as solar hot water, solar photovoltaic panels, wind micro-turbines and ground source heat pumps by a certified installer.

Shaun Aldis, Wolverhampton Homes Ltd



Wolverhampton Homes



Sustainable maintenance

Social landlords responding to climate change

Sustainable maintenance is one of the greatest challenges that face housing association maintenance managers at present. It is no exaggeration to say that our future is in your hands.

The Select Committee on Existing Housing and Climate Change report acknowledges that "a significant contribution to the overall reduction [in carbon emissions] is required from housing", and that "substantial gains can and need to be made from actions to reduce the emissions that result from our heating, our lighting, our water use and the way we manage our homes." The social housing sector comprises about 4 million homes that are professionally managed and maintained by landlords that are committed to meeting tenants' needs and to asset management in the long term. The sector will lead the way.

Financial and business imperatives will insist that social landlords future-proof their homes against overheating, drought, and flooding. The goal to eradicate fuel poverty is fundamental to the shared mission of the social housing sector. And tenant satisfaction is a major driver. Tenants are increasingly aware of the need for action. They want to see that their landlords are acting responsibly, in protecting homes and tenants.



Two key principles underpin the actions that housing associations and local authorities must take. The first of these is "Do It Now" - don't wait - make sure that you are considering how to take account of climate change objectives in all your activities.

The second is take a strategic approach. Develop your Environmental Sustainability Strategy alongside the actions that you can identify now that you must take.

Key Actions

The strategic approach will ensure that Environmental Sustainability is embedded into housing associations' operations at all levels. It will ensure that environmental objectives are achieved in the most efficient way. Associations know what they are doing and achieving, and are able to ensure that they achieve the best that they can.

It is vital that associations do not wait until they have a strategy in place, before undertaking the basic measures. The 'low hanging fruit' in this case is installing insulation with funding from utility companies. CERT (the Carbon Emissions Reduction Target) has succeeded EEC, (Energy Efficiency Commitment).

CERT develops the energy efficiency measures of EEC -- suppliers will be able to promote microgeneration measures, such as biomass community heating, CHP, solar thermal systems, micro-CHP, ground source heat pumps, fuel switching, insulation, and heating improvements which surpass the Building Regulation standards and reduce the consumption of supplied energy. CERT can also assist in the procurement of low energy fittings such as lamps and appliances. Running until 2011, CERT will attempt a twofold increase in the level of activity compared with EEC. www.defra.gov.uk

A speedy way both to identify straightforward measures that can be implemented right away, and to plan a strategy, is to read the Ecohomes XB guidance. This is available free on the BRE website. A housing association, ALMO or

Some examples of what you will be doing to earn the Man 1 - 4 credits:

- Policy adopted at the highest level of management and person in place who is responsible for energy management
- 100% of properties have been given verbal and written advice on how to operate the heating system controls properly to achieve the maximum operating efficiency
- Annual monitoring and target setting for reductions of carbon dioxide emissions and of energy consumption in place and acted upon
- Committed to working with suppliers to improve the purchasing and supply of environmentally sustainable goods

Local Authority that achieves the credits under the management policy sections (Man 1, 2, 3, and 4) will have rigorous policies and strategies in place that will be making a difference to the environmental performance of their stock.

Getting your strategy in place

Use the guidance that is available in Ecohomes XB, and in A Guide to Developing a Sustainability Strategy and Action Plan by Sustainable Homes.

Further help and information

Watch out for Fit for the Future: the Green Homes Retrofit Manual. The Housing Corporation commissioned ESD to compile a guide that will help social landlords check that they are doing the basics that make a big difference, give key information about more advanced measures, and inform decisions about which measures to consider in respect of particular stock portfolios and the organisation's stage of development. The guide will be published this summer.

Alison Mathias, Housing Corporation



Involving residents in procurement

The NHMF funded a guide to involving residents in procurement, *Your Place or Mine?*

The guide draws on examples from over 20 organisations, with contributions by residents and contractors, as well as officers and directors in property services and resident involvement teams.

The key message of the guide is that successfully involving residents in maintenance and improvement works results in -

- better outcomes
- easier contract management
- improved relations between staff and residents
- improved internal culture
- enhanced reputation and opportunities

Better outcomes

When residents were part of the team, they insisted on a greater variety within standard ranges, as well as improved specified standards. Residents also pressed for contractors to meet individual residents' needs; for example around access arrangements, or voids works being finished to incoming tenants' choices

Because they were part of the process, residents were more hard-nosed about trade-offs; and insisted on contract performance to the letter.

Resident involvement raised satisfaction levels - the improved standards, wider choice, greater flexibility, and better customer focus all contributed to significantly improved satisfaction levels

Easier contract management

- contractor's customer focus - contractors responded positively to being challenged by residents on the commissioning team throughout selection and contract management
- easier monitoring - the direct involvement of residents in site

meetings and contract review meetings helped technical staff

- more right-first-time work - contractors were more directly accountable to customers
- easier complaints management - residents having direct access to the contractor, and being supported by resident advocates who understood the contract requirements streamlined complaints and led to faster resolution

Cost of involvement

The extra work and expense incurred by involving residents represented less than 0.1% of contract costs.

No significant delays to the contract were reported.

Improved relations: staff and residents

Staff recognised residents' contributions, both in improving contract standards and performance, and in proposing novel approaches and ideas. On the other hand, residents recognised contract management problems - residents who experienced contract management were much more understanding and forgiving about the difficulties that technical staff have to manage.

Residents who had been involved developing specifications and standards, were ready to stand by the consequences, and in several cases would take the lead on explaining the decisions to other residents.

Improved internal culture

- improved team dynamics and performance - working with and being challenged by residents encouraged everyone to raise their game
- better understanding of residents needs and priorities - staff recognised the

longer term benefits in knowing what residents want and tailoring services around their needs

- improved resident involvement in other areas - the experience and lessons of resident involvement in works programmes led the way in developing resident involvement across the organisation

Enhanced reputation and opportunities

Landlords found they had better links with the wider community - active residents talk to their friends and neighbours about their involvement and this builds advocates within the community. This led to improved satisfaction with the association as whole - leading to rising STATUS survey results.

Smoother contracts and better relations improved demand leading to more stable tenancies and easier housing management.

Both the Housing Corporation Assessments, and Audit Commission reports noted the benefits, leading to enhanced reputation and potentially to growth opportunities.

There are also chapters on -

- the policy context - business planning, procurement methods, efficiency
- resident involvement - principles, motives and practicalities
- residents and contracts - how resident involvement fits the procurement process and works types
- issues and problems - leaseholders, staff resistance, residents with personal agendas, waning interest, and housing for vulnerable people

Tony Trott, Principal, ESI Consulting