



Risk Framework for Fuel Servicing

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Gas Safety – Yesterday’s News !



It’s all old news isn’t it.....




**City West Housing;
Gas Explosion,
Salford, Nov 2010**

What's required of us.....



Home standard Required outcomes:

Repairs and maintenance - Registered providers shall:

1. Meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes
2. Registered providers shall set out in an annual report for tenants how they are meeting these obligations and how they intend to meet them in the future. The provider shall then meet the commitments it has made to its tenants.





Statutory Requirements.....



- The obvious one....
 - Gas Safety (Installation and Use) Regulations 1998
- Health and Safety at Work etc Act 1974
- The Management of Health and Safety at Work Regulations 1999 (as amended)
 - Reg. 3; Duty to undertake risk assessment
- Building Regulations
- Property Law
 - Landlord & Tenant Act; Housing Act
 - HMO regulations
- Defective Premises

A conceptual approach....





- Horizontal legal requirements
- General duties and risk assessment



- Vertical legal requirements
- Specific legal duties



- 'Reasonably practicable'
- Codes of Practice / Guidance

So where do you start....



- Vertical Regulations
 - Because they impose an 'absolute' duty to do something
 - *Scope out what each requires of you*
 - *eg Gas Safety Regulations*
 - So far as is reasonably practicable
 - *No absolutes; balance of cost and effort versus effect. Within the context of the 'risk'*
 - *Potential to move over time, with new information*
 - *'What others do' is a relevant consideration*
 - *Risk is a combination of:*
 - *Likelihood*
 - *Potential outcome*
 - *Think about HHSRS and how this captures both, linking to empirical data*

So where do you start....



- Vertical Regulations
 - Gas Safety Regulations
 - *Gas, including LPG heating forms*
 - Electrical Installation Regulations
 - *Traditional electrical heating; room heaters, warm air, night storage*
 - *Some renewables; Solar PV (as a source of fuel for heating systems), heat pumps*
 - No specific 'vertical' regulations pertaining to maintenance/ servicing for:
 - *Solid fuel*
 - *Biomass*
 - *Oil*

Ensuring compliance



- Policy is the fundamental starting point
 - Recognises the duties
 - Allocates roles and responsibilities
 - *Generically or specifically*
 - *Board, senior managers, operational managers, tenants*
 - Sets out arrangements for discharging the duties
 - Establishes arrangements for performance management and testing the application of delegated duties
 - Provides a framework to allow board to 'self certify' the regulatory requirement
 - *They know what it means, they have arrangements in place to discharge and that they have tested the application of the same, hence able to say, yes we comply !*

The Importance of Policy



- Only way for the Governing Body to:
 - Know that staff understand the legal and best practice requirements upon the organisation – in detail; not generically
 - Demonstrate to the Regulator that the organisation understands this
 - Set out how it will ensure discharge of its duties
 - Set out its position on items of practice such as securing access and facilitate the involvement of tenants in these decisions
 - Allows the staff to be held to account, through appropriate performance management arrangements that test the actual application of the policy
 - Ultimately, allows self certification to the Regulator against the standard

But not everyone measures up...



- 2009 Gas Safety Benchmarking results
 - Assessed against best practice matrix
 - *47.5% average score; 85% highest*
- Led to us developing a 'model' policy and procedure, with subsequent changes to the assessment matrix
- 2010 Gas Benchmarking results
 - Most had policy
 - Assessed against best practice matrix
 - *56% average score; 83% highest*

Ensuring compliance



- **Implementing Policy**
 - Will depend on the nature of your organisation
 - *Size and complexity*
 - *Style and culture*
 - Written procedures
 - Scripted IT system
 - Process maps
- **Key issue is;**
 - Can I, as a new member of staff, work out what I need to do and in what circumstances, at a level that the policy can be properly implemented ?
 - *Should never rely (just) on word of mouth/passed on knowledge*

But remember....



- Policy v Practice
- Lots of social landlords do (helpful) things that aren't in their policy
 - But should be !
- Capture it, check it, 'write it down'
- Make sure IT and information flow systems are appropriate
 - Waiting for 'main' systems that might, one day, when its been written, tested, de-bugged, re-scoped, re-written etc.....
 - Simple online record storage; MS Access or Excel applications

Because....



Your staff are not supposed to be as resourceful as 007 !

So where next ?



- Horizontal regulations
 - Management of Health and Safety at Work Regulations
 - General requirement to undertake risk assessment of activities
 - Failure to do a RA is an offence of strict liability
 - *North British HA prosecuted for this following carbon monoxide death in sheltered scheme*
 - ‘Suitable and Sufficient’
 - *Allows enforcement officers to be ‘wise after the event’; where your RA doesn’t address the issue that’s (now) caused a problem or not ‘sufficiently’*
 - *Not supposed to be about ‘eliminating’ all risk, with the inference that problems can still occur; a hard argument to sustain in the event of a tragedy*

Doing a risk assessment



- Clear 'map' of multiple and over lapping RA's
- Service focused, rather than hazard or risk, or a combination of the two ?
- Structured and consistent
- Not just employee orientated
 - Contractors and tenants
- Draws on expert advice and/or empirical data where ever possible (HHSRS)
- Recognises residual risk
- Control measures, clear – and incorporated into Policy

Risk assessment implications



- Additional 'obligations' compared to vertical regulations
 - Maintenance of tenants appliances
 - Education for tenants and leaseholders
 - Different access procedures for 'high risk' no access properties
 - CO detectors
 - Contractor management/supervision
- Need to review and update
 - Recognise that you have thought about continued relevance
 - Does not have to be major task; if circumstances remain the same

Risk assessment implications



- **Draws in fuels without vertical regulations**
 - *With 'best practice' being the 'standard'*
 - Related regulations eg Gas
 - Industry association guidance
 - Manufacturers' instructions/guidance
 - Need to review and update
- **Inter-relationship with other 'installation' regulations**
 - Building Regulations eg solid fuel/wood burning appliances
 - Renewables – Micro Generation Certification

So what are the hazards....and risks



- **Fuel supply**
 - Gas leak
 - Manual handling of Solid Fuel, Biomass
 - Deliveries to site of fuels (solid, wood, oil)
- **Combustion**
 - Explosion
 - Fire; ignition source
- **Products of combustion**
 - Carbon Monoxide
 - Fire; in the flue/chimney

A logical approach to RA



- Think about each (main) hazard
- Think about the detailed 'hazards' that pertain to each
- Evaluate present risk
 - Likelihood of occurrence
 - Nature of the potential harm
- Identify control measures
- Evaluate residual risk
 - Determine if 'reasonably practicable'
- Scope for further risk reduction measures ?
- Apply hierarchy of risk reduction

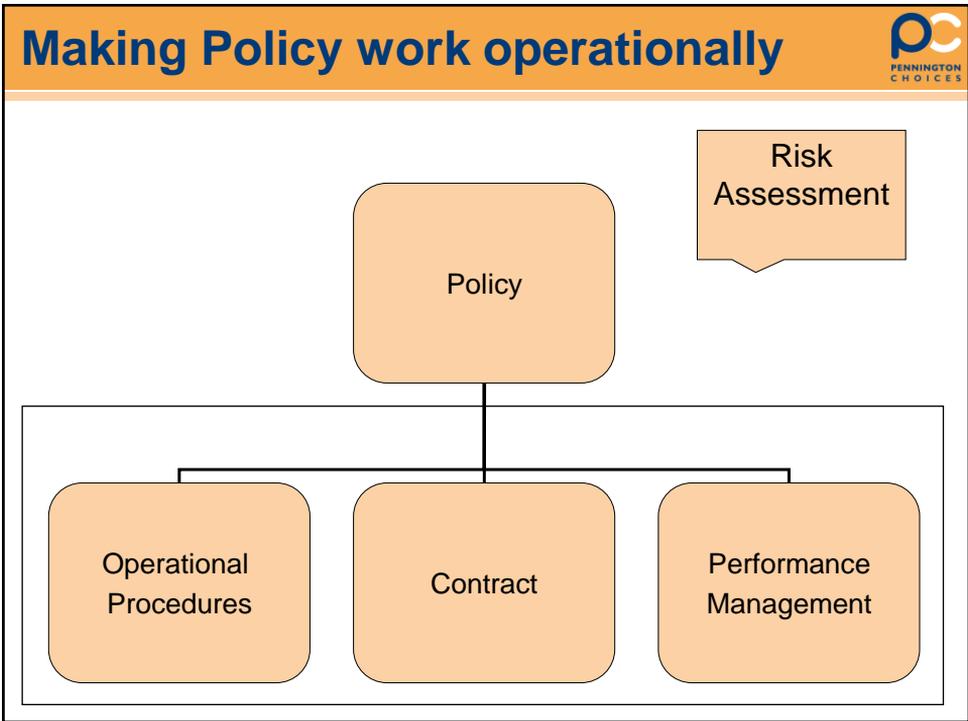
Main control measures



- Inherently low risk heating systems/appliances
- Maintained (defect free and working in accordance with the manufacturers instructions)
- Safety tested (safe to use; relevant to the standards of the day)
- By a competent person (more than just accredited by the relevant fuel body eg Gas Safe)
- In a timely manner (in accordance with an accepted cycle as determined by law or by industry best practice; recognising that appliances and flues may be on different cycles)
- Records kept
- System user knowledge and information

RA and Control Measures PC PENNINGTON CHOICES

- You have to ‘think’ and consider how to recognise risks and apply broad control measures in a measured and structured way, that might need to change over time
 - It’s your judgement, albeit always contrasted to industry common practice, and what the Courts think is a fair balance of ‘Reasonably Practicable’
- Vertical regulations don’t require you to think, or make judgement, just simply to follow the ‘rules’
 - Not strictly true, but...
- The ‘best’ social landlords:
 - Recognise the inter-action of the 2 regimes
 - Know they have to think and make judgement not just slavishly follow rules
 - Respond to changed information and risk environment
 - Don’t apply blanket controls to differing levels of risk scenario



Common policy weaknesses...



- Insufficient detail or lack of acknowledgement of the landlord's legal and regulatory requirements
- Only covers gas
- Doesn't recognise the different hazards
- Use of informal, but arguably contentious 'no access' measures
- Mutual exchanges
- Leaseholders
- Tenant own appliances
- Assessing contractor competence
 - And in particular ongoing, post procurement
- QA, post inspections
- Education and promotion

Things to think about....



- Tenant own appliances
 - Block of one bed flats occupied by young people, with a history of high no access, high gas faults and poor tenancy compliance; risk assessment.....
- Leaseholder
 - Lease terms, 'good' housing management by offering access to service, risk assessment
- Education/Promotion
 - To facilitate access; generally
 - To secure access, where you expect problems; targeted
 - Tenants own appliances
 - Spot faults/potential dangers

Operational Procedures



- I hate detailed, lengthy procedures – but...
 - Heating related (Gas) is to high risk to not be well documented
 - Lots are very brief, focused on access only, lack SMART targets / objectives
 - Often found in the contract docs
 - *i.e. only time they get looked at is when the service is re-procured*
 - *Focused on what the contractor is responsible for – with no equivalent focus on the client responsibilities*
- Process Map
- Supporting guidance / instruction text
- Clear timescales, roles and responsibilities

Non 'core' gas considerations



- Legal basis for securing access
- Maintenance / servicing schedule
 - Flue and appliance
 - Solid fuel; what about micro generation systems ?
 - *Need to document in policy, as a backdrop to legal basis for securing access*
- Impact of fuel / combustion on others outside of the property
 - Flue leak in the 1st floor flat, of combustion products from ground floor flat
- Tenants use of the system

