

Navigating Health & Safety

A Comprehensive Guide for
Scottish Housing Community



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 ACS Consultancy

 ACS_RiskGroup

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Message from CEO

"When the Asbestos scares came in the 70's I was determined to have a positive effect in this world by demonstrating how to change workers practices and people's attitudes towards it. The company logo - the three interlinking circles, comes from my beliefs that we should all be working towards the middle of the logo where economic, social and environmental factors overlap. Our company now works worldwide within the Health, Safety and Environment sphere, and I believe we are genuinely making a difference."

Professor Roger Willey

CEO of ACS

At ACS, we have been at the forefront of the Health & Safety industry for 47 years, supporting the Scottish Housing Community, local councils, and many more organisations providing unparalleled support and expertise to ensure safety and compliance. Our tailored, holistic, and integrated approach ensures that you meet and exceed the Scottish Housing Quality Standards (SHQS) and comply with the Housing (Scotland) Act of 2014. This comprehensive strategy sets us apart from others in the industry.

Here is a brief overview of the services we offer:

- Annual Review and Updates of the Health and Safety Control Manual
- Audits every 2 years
- Possibility to subscribe to the Landlord Facilities Health, Safety and Welfare Control Manual
- Ad Hoc Query Support
- Regular Advice/Guidance/Articles
- ACS Bespoke & UKATA Accredited Training Courses
- High-Level Consultancy Services
- Expert Witness Services in connection with possible breaches of H&S Legislation



Exclusive Services for EVH Members

Annual Review and Updates

ACS conducts thorough annual reviews and updates of both the Health and Safety Control Manual and, if your organisation has subscribed to it, the Landlord Facilities Health, Safety & Welfare Control Manual. These will help to ensure that your organisation stays up to date with the latest changes in legislation, guidance and best practice.

Audits

The H&S Control Manual (HSCM), established in 1994, serves as a foundational guide for clients navigating their Health and Safety responsibilities in their role as employers. Following changes in HSE Philosophy and the recognition that Landlords were expected to look after the H&S of Tenants, as well as staff, a new manual was developed in 2016: the Landlord Facilities Health, Safety & Welfare Control Manual covered responsibilities as landlords and detailed services provided to tenants. . We perform audits every 2 years on both the Health and Safety Control Manual and the Landlord Facilities Health, Safety & Welfare Control Manual, if you have subscribed to it. These audits are designed to help organisations monitor compliance with the manuals and provide recommendations for improvement.

Ad Hoc Query Support

Our team is always ready to answer any ad hoc queries you may have. Ad hoc queries can be sent to our dedicated helpline via the info@acsrisk.com email address or on **0141 427 5171**.

Regular Advice/Guidance/Articles

Stay informed with our regular updates on legislative changes, best practices, and relevant articles to help you navigate the evolving landscape of health and safety via regular emails and updates on LinkedIn and Twitter.

UKATA Accredited Training

We provide a range of UKATA accredited training courses and bespoke health and safety courses to address your individual organisation's needs. This includes face to face training sessions, training via Zoom and online training that can be completed by individual employees at a time that suits their work schedule. Our training covers the main topic areas of health and safety compliance for both employers and landlords. Get more information and book training on our website at www.acsrisk.com.

High-Level Consultancy Services

Benefit from our high-level health and safety consultancy services, as well as specialised asbestos services tailored to the unique needs of your organisation. This may include a review of current policies procedures and practices, completion of a Gap Analysis and, where necessary, the development of new systems and training to plug any gaps. Lastly, if things seem to be going wrong, we have experts who have been involved in over 800 legal cases. Whatever your requirements: we have you covered. Should you have any questions, need further information, or wish to discuss your specific requirements, please feel free to reach out to us at info@acsrisk.com.



Understanding Health & Safety Regulations

Social housing in Scotland is primarily managed by public authorities like councils and registered social landlords (RSLs), ensuring that everyone, regardless of financial status, can access quality housing. Key actions include increasing council housing, protecting social housing by ending the right to buy, and ensuring housing stock meets the Scottish Housing Quality Standard (SHQS). The Housing (Scotland) Act of 2014, which abolished the right to buy and introduced provisions like Short Scottish Secure Tenancies, underpins these efforts, with regulations and guidance provided to aid landlords in navigating these changes. Furthermore, the Act emphasizes tenant participation and ensures that social landlords are monitored by the Scottish Housing Regulator.



Dutyholder Obligations

In Scotland, housing associations have specific legal obligations to uphold. For example, they must ensure properties meet the Repairing Standard, maintain gas appliances and electrical installations, provide tenants with an Energy Performance Certificate and install smoke and carbon monoxide alarms in the property. Failure to adhere to these responsibilities can result in legal repercussions, underscoring the importance of compliance for housing associations.

Guidance on Specific Legal Duties



Asbestos

Asbestos remains a significant occupational hazard in Great Britain, responsible for approximately 5,000 annual work-related deaths. Composed of minuscule, airborne fibers, asbestos was prevalent in various industries and buildings until its 1999 ban. Despite ongoing safe removal efforts, many older structures still harbor asbestos. Consequently, individuals working in these buildings face potential exposure if asbestos is improperly managed, damaged, or disturbed. Notably, buildings constructed post-1999 are deemed by HSE as free from asbestos containing materials.

In Scotland, landlords must adhere to the Control of Asbestos Regulations (CAR) 2012. For domestic premises Regulation 4 of CAR mandates that landlords survey and manage asbestos containing materials in common areas only. However, if repair/refurbishment work is to be carried out an asbestos repair/refurbishment survey must be carried out before work starts and the relevant information passed on to the contractor who will undertake the work.



Fire Safety

Landlords have certain fire safety obligations to ensure tenants, visitors and fire fighters are safe. Landlords must ensure that the premises, equipment and devices are maintained in an efficient state, in efficient working order, in good repair and are subject to a suitable system of maintenance. In addition, landlords should also implement a Fire Risk Assessment programme in respect of communal areas within their housing stock.

Guidance on Specific Legal Duties

Legionella



Legionnaires Disease is potentially a fatal lung infection (form of pneumonia) which can affect anybody, but which principally affects those who are susceptible because of age, illness, immunosuppression, smoking etc. and is caused when individuals inhale legionella bacteria. Housing Associations as the Landlords have a legal duty to ensure that drinking water installations, services and any bottled water within premises under their control are safe (fit for purpose and kept in good order) before a tenancy begins and throughout its duration. This is generally done through carrying out Legionella Risk Assessments and implementing relevant control measures in tenanted and void properties.

Electrical Safety



Landlords have a legal duty to ensure that electrical installations, fixtures, fittings, and any electrical equipment provided, is safe at the start of the tenancy and throughout its duration. Landlords should carry out visual inspections on all electrical appliances at the beginning of a tenancy and regularly (for example every 6 months) throughout. Checks should also include common areas (such as stairways, corridors, door entry system etc).

Gas Safety and Inspection



Landlords have a legal duty to protect tenants' safety by ensuring that gas installations provided for tenants' use within premises under their control is safe (fit for purpose and kept in good order) before a tenancy begins and throughout its duration. Landlords have a duty to ensure that gas installations pipework, appliances and flues must be maintained in a safe condition. Gas appliances should be serviced on an annual basis by a Gas Safe Registered contractor.

Guidance on Specific Legal Duties



Anti-Social Behaviour

Anti-social behaviour (ASB) can seriously damage the quality of life for residents and have a negative impact on neighbourhoods and communities. Landlords have a responsibility to prevent their tenants behaving in an antisocial manner in and around their homes. If a tenant acts in a way which has caused or is likely to cause alarm, distress, nuisance or annoyance to anyone living near their home, the landlord must take action.



Cleaning & Cleanliness

Landlords should ensure their properties, including the garden, are clean and tidy before a tenant moves in. Tenants are then responsible for maintaining a clean house and garden throughout their tenancy. Landlords should carry out periodic housekeeping inspections to ensure that properties and communal areas are kept clean and tidy.



Event Risk Management

Landlords who organise events are responsible for ensuring the overall safety at the event is maintained so that as far as reasonably practicable, people setting up, breaking down and attending the event are not exposed to risks to their health and safety. Examples of events landlords may organise are:

- Fun days;
- Fetes, fairs etc.;
- Street parties;
- Charity stunts;
- Annual General Meetings.

Guidance on Specific Legal Duties



Damp and Mould

In Scotland, landlords have a legal responsibility to ensure that rental properties meet the required standards of living conditions, which includes addressing issues related to dampness and mould. Under the Repairing Standard, a key component of the Housing (Scotland) Act 2006, landlords are obligated to maintain their properties in a state of repair that meets the standard criteria. This includes ensuring that the property is free from dampness and mould and acting on a quick and consistent basis where such issues arise.



Construction Design and Management (CDM)

The Construction (Design and Management) Regulations (CDM 2015) are the main set of regulations for managing the health, safety and welfare of construction projects. CDM applies to all building and construction work in the UK and includes new build, demolition, refurbishment, extensions, conversions, repair and maintenance. Landlords have a major influence over the way a project is procured and managed. Regardless of the size of the project, landlords have contractual control, appoint designers and contractors, and determine the time, money and other resources available.

Landlords must make suitable arrangements for managing a project which ensures that construction work will be carried out without risk to the health or safety of any person affected by the project. Landlords should ensure that all appointed individuals and/or Organisations have the requisite skills, knowledge, experience and capability to manage health and safety risks.

Guidance on Specific Legal Duties



Hygiene of Tenancies

Landlords are responsible for the health, safety and wellbeing of those living in their properties. Landlords must ensure that properties are wind and water tight and suitable for human habitation.



Lifts Safety

Landlords in Scotland have a responsibility to ensure the safe operation of passenger lifts by conducting thorough examinations and inspections under the Health and Safety at Work Act 1974. Although the Lifting Operations and Lifting Equipment Regulations 1998 may not directly apply to domestic premises, businesses supplying lifts must ensure routine maintenance and safety measures. This requires passenger lifts to undergo regular routine maintenance and inspection.



Lighting

In Scotland, landlords must adhere to the Scottish Housing Quality Standard (SHQS) guidelines, which emphasise ensuring adequate and safe lighting in communal areas and shared spaces. The lighting installations should meet functional requirements, providing sufficient illumination to enhance security and comfort for tenants. Additionally, landlords should comply with relevant building regulations and industry best practices to maintain efficient and compliant lighting systems within their properties.

Guidance on Specific Legal Duties



Play Parks Safety

Landlords who own play parks are responsible for:

- ensuring the playground is sited correctly;
- ensuring the design and equipment meets the needs of the children;
- ensuring the design meets basic safety requirements;
- ensuring the equipment and surfacing meets relevant British Standards
- ensuring the surfacing has been correctly supplied and installed;
- ensuring a proper post-installation inspection is carried out;
- ensuring the playground is properly inspected and maintained.



Premises Fitness and Repair

From 30 September 2002, under the Housing (Scotland) Act 2001, Scottish secure tenants and short Scottish secure tenants have the right to have small urgent repairs carried out by their landlord within a given timescale. This is called the Right to Repair scheme. The scheme covers certain repairs up to the value of £350. Landlords are responsible for the cost of repairs.



Security

Landlords must ensure that all homes are safe and secure, and have windows and doors that lock. Landlords could under their 'duty of care', choose to upgrade their security measures beyond this.

Guidance on Specific Legal Duties



Infestations

Landlords in Scotland are responsible for maintaining communal areas free from pests through regular inspections and maintenance, including addressing cracks, holes, and other vulnerabilities that could facilitate pest entry or shelter. While tenants must report any pest issues like rats, mice, cockroaches, or bed bugs, landlords are accountable for addressing infestations resulting from structural defects within the property. Additionally, landlords can impose preventive measures, such as sealing openings and ensuring proper waste management, to mitigate pest-related health risks.



Mid-Market Properties

In Scotland, Housing Associations offering 'mid-market properties' must adhere to stringent health and safety standards, including property inspections, gas and electrical certificates, and compliance with the Repairing Standard. Landlords are obligated to conduct regular electrical safety checks, install carbon monoxide detectors and appropriate smoke and heat alarms as per guidelines and technical handbooks.



Tolerable Standard

Landlords must ensure that all houses meet the tolerable standard. Those that do not meet the tolerable standard must be brought up to the tolerable standard, closed or demolished. Local authorities have a statutory duty and specific powers to deal with houses that fall below the tolerable standard (BTS).



ACS



Helpline



Quick and Free Health and Safety Support

At ACS, we understand the importance of addressing your health and safety concerns promptly and efficiently. That's why we have implemented a dedicated helpline to provide quick answers to queries on a wide range of health and safety topics.

Our **helpline service is designed to cater to your immediate queries**. We aim to respond to your queries within two working days, ensuring that you receive the assistance you need in a timely manner.

It's important to note that the helpline is primarily intended for addressing quick queries and is not meant to replace in-depth consultancy work. If your query requires a thorough review of documentation or extensive research, it will be classified as consultancy work, which would be subject to additional charges. If you're unsure about the classification of your query, we encourage you to get in touch with us, and we will be more than happy to provide guidance.

Within our helpline service, certain enquiries are provided at no cost. Here are some examples of common questions addressed:

- Are Legionella Risk Assessments mandatory for mains-fed properties?
- What legal obligations pertain to Fire Risk Assessments?
- Is it necessary to provide first aid kits in company vehicles?
- What are the training requirements for the individual responsible for asbestos management, and how frequently should this training be updated?

For any quick queries or concerns, please feel free to reach out to us via email at info@acsrisk.com or on **0141 427 5171**. Our dedicated helpline team is ready to assist you and provide the guidance you need.



Meet Key Members of our Consultancy Team



Prof. Roger Willey

ACS Chief Executive Officer

Professor Roger Willey founded ACS in 1978 and brings over 45 years of experience in asbestos research, consultancy, and training. He has conducted work worldwide and his research currently saves approximately 150 lives annually in the UK alone. Roger has received prestigious awards from IOSH, REHIS and UKATA. He oversees all ACS activities and has specific responsibilities for large-scale projects, especially those in South America. He is currently leading a team working in South America. As ACS CEO, Roger spearheads and guides our consultancy team, ensuring the delivery of health and safety regulations, compliance, and best practices for EVH members.



Emma Willey

ACS Managing Director

Emma has over 30 years of experience within the Health, Safety and Wellbeing industry. Emma started her career in ACS as an asbestos site technician and over 30 years has held every responsible role within the asbestos testing side of the business. Emma is also a passionate advocate for wellbeing and mental health, holding the NEBOSH Certificate in Health & Wellbeing in the Workplace and is qualified as a mental health first aider. In her role as ACS Managing Director, Emma leads and directs our consultancy team, ensuring they provide the best support and comprehensive services.



Angela Johnson

Quality / Health & Safety Consultant

Angela has many years' experience in Quality and Health & Safety Management having previously worked for an international group of testing laboratories. She is a certified member of IOSH and holds the NEBOSH Diploma in Occupational Health and Safety. She specialises in ISO Management Systems, auditing, training and is a UKATA approved Trainer.



Eddie Duffy

Senior Fire Risk Consultant

Eddie is the lead Fire Safety Consultant at ACS, with over 12 years of experience in fire safety management, particularly in risk assessments. He holds a degree in Occupational Health & Safety Management, is a certified OHSAS 18001 Internal Auditor, Clerk of Works, and Fire Risk Assessor, and is a certified member of IOSH and MIFSM. Previously, he managed fire safety risk for an ALEO of Glasgow City Council's properties and he currently delivers fire safety training, serving as the principal trainer for ACS Fire Awareness & Warden training courses.



Steven Bossley

Operations Manager for Accredited Activities

Steven brings a wealth of experience, having served as a Director and Quality Assurance Manager in a Glasgow-based Training and Qualifications company for over 12 years. He has expertise in implementing ISO management systems and developing/delivering asbestos and health and safety training. Steven is also qualified as an Internal Verifier and holds various certifications, including NEBOSH, SMSTS, and a UKATA approved Trainer.



Aimilia Chute

Health and Safety Consultant

Aimilia is a fully qualified lawyer with an LLB(Hons) Degree and the Diploma in Professional Legal Practise from The University of Glasgow. After graduation she studied for, and obtained, the NEBOSH National Diploma in Occupational Safety and Health and the UKATA Certificates in Asbestos Awareness and Duty to Manage. These were followed by BOHS Certificates: P405 Management of Asbestos in Buildings, P901 Legionella – Management and Control of Building Hot and Cold Water Services.

Within ACS Aimilia specialises in Health, Safety and Environmental Compliance across various commercial sectors. She conducts legal/technical audits and reviews, assists clients with legal compliance issues and performs specialised risk assessments. An important part of her work is After the Event Investigations following accidents/incidents. This allows organisations to demonstrate legal compliance or, in some cases, to identify improvements to ensure future compliance.

LET'S WORK TOGETHER

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