

1 April 2020

Dear Ms Albon,

As the representative bodies of social landlords across the UK, we write to seek additional clarity on the guidance HSE has already produced on meeting regulatory requirements on safety during the coronavirus pandemic.

Since the Prime Minister announced strict social distancing measures more than a week ago, social landlords nationally have been adapting to new and complicated situations to ensure the health and safety of their tenants. Our members work tirelessly to ensure that their tenants are able to live in safe homes, but the new measures have resulted in great uncertainty over statutory gas safety checks for a number of reasons.

Due to many households self-isolating, and social-distancing, residents are understandably, and rightly, refusing access to their properties. However, this creates a challenge for social landlords to conduct annual gas safety checks, lift inspections, emergency repairs and essential maintenance, such as to maintain fire safety measures. The specific guidance HSE has produced so far on gas safety inspections is helpful, but there are additional circumstances to consider as a result of the COVID-19 pandemic to enable us to keep both residents and our staff and partners safe.

Conducting gas safety inspections and maintenance

Many of our members are faced with shrinking numbers of gas engineers available to carry out statutory checks, making it increasingly difficult to maintain levels of gas safety checks, with some adopting a risk-based approach to ensure gas engineers that are available are directed to any emergency situations, as per the government's recent advice.

The government's advice is helpful in setting out "if a landlord can show they have taken all reasonable steps to comply with their duty under the regulations, they are not in breach of the duty," however given the potential for large numbers of inspections to be refused by residents or operatives, when staff numbers are already depleted, this could be challenging for our members at a time when this resource could be better directed.

There is also divergence on the issue of gas safety inspections during the pandemic, with the Scottish Government providing guidance to private landlords in Scotland that they should postpone routine safety inspections because of COVID-19.

Conducting lift inspections and maintenance

A number of our members have highlighted instances in which lift engineers cannot be engaged to conduct requisite checks on lifts and any resulting maintenance. Given the reliance some of our residents will have on lifts within their homes, or within communal supported or care home facilities, this is becoming an increasing concern. We understand that consistent guidance on how to proceed with this work has not been made available.

Safely accessing people's homes

Resident cooperation is essential for our operatives who need to carry out inspections or maintenance in someone's home which is understandably being refused in the current environment.

For those social landlords that are able to gain access to people's properties, we are also faced with increasingly diminishing supplies of Personal Protective Equipment (PPE) to keep staff safe from potentially contracting the virus, and to assure residents that anyone who has to enter their property is doing so with the appropriate attire.

How the HSE could help

Given the unprecedented circumstances and the various ways in which our members' work to carry out their duties are being impacted by COVID-19, the National Housing Federation, the Scottish Federation of Housing Associations, Community Housing Cymru, the Chartered Institute of Housing, Association of Retained Council Housing and National Federation of Almos are calling for HSE to provide the following:

- **Clarity in the case of no available gas engineers to perform statutory gas safety checks due to coronavirus.** We consider it 'reasonable' (as stated in the requirement to demonstrate reasonable steps have been taken to comply with the law) to allow a temporary extension to gas safety checks in the case of no gas engineers being available to carry these out. We also consider it 'reasonable' for landlords to take a risk-based approach in the event of limited resources, directing gas engineers to conduct emergency works first and for requirements to demonstrate 'reasonable steps' to be implemented flexibly given the constraints.
- **Clarity in the event of a lack of Personal Protective Equipment (PPE) available to staff entering homes in situations where this is advised by Public Health England (PHE) and Health Protection Scotland (HPS).** We would consider it reasonable to delay an inspection if an engineer refuses to conduct one due to a lack of recommended PPE, or if a resident does not want to permit entry due to illness, self-isolation or social distancing. A statement from HSE is needed that clearly states legal duties can temporarily be suspended until a household is safe to enter.
- **A recognition that landlords will not be able to access those shielded households that have been advised to self-isolate for a 12-week period and clarity on reasonable steps to take under these circumstances.** We would consider it reasonable for this household to be temporarily exempt, for the government prescribed 12-week period, of any annual or maintenance gas safety checks. This should regularly be reviewed in line with government advice.
- **Clear and public guidance on conducting lift inspections and maintenance.** This would demonstrate to contractors the importance of this work continuing, particularly where residents are not able to use stairs. This should cover situations in which residents are self-isolating / shielding, where there is a shortage of qualified workers, and where there is a lack of PPE to be able to work safely.
- **Finally, we would like to see all of this guidance available under the Coronavirus section of the HSE website, [here](#).** Trying to navigate information in relation to compliance and coronavirus is not clear. For example, the information on 'access to the property' is under the usual 'dealing with tenants' page, and has not been updated to include any specific coronavirus information. We strongly feel that

the 'gas health and safety' page of the HSE website needs to include specific coronavirus information.

The National Housing Federation, the Scottish Federation of Housing Associations, Community Housing Cymru, the Chartered Institute of Housing, Association of Retained Council Housing and National Federation of Almos would appreciate further guidance which addresses the concerns raised in this letter. Social landlords are concerned about the safety of their residents, but are having to navigate a scenario in which there are conflicting safety concerns, each with potentially serious consequences if they do not meet regulatory requirements or government advice.

Social landlords and their residents understand that meeting the government advice around COVID-19 is imperative. Our members are also mindful that safety works are mandatory and are considering each case individually to weigh-up the risks of conducting or delaying inspections. We believe the requests cited in this letter can support social landlords in managing safety concerns and HSE in managing enquiries from our members. We hope you agree that the need for clarity is particularly necessary given the divergent opinions of the devolved administrations in the UK.

We look forward to a timely response from the HSE, which we can circulate to our respective members promptly to ensure they are aware of their responsibilities while we are all responding to COVID-19.

Yours sincerely,



Sally Thomas
Chief Executive
Scottish Federation of
Housing Associations



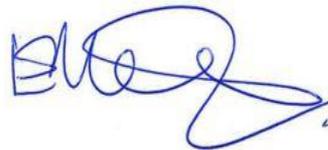
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