



Local authority responses to COVID-19 in relation to building maintenance and housing services.

This briefing is provided to all APSE member authorities but will be of particular interest to officers responsible for building maintenance and housing services.

Key Issues:

With the onset of ever more stringent measures to control the spread of the coronavirus, local authorities are having to implement pre-prepared business continuity plans and prioritise the level of services they provide.

This short briefing provides the most up-to-date information as to how these plans are being implemented and service priorities decided with regards to building maintenance and housing services.

1. Background

APSE has canvassed members to ascertain how local authority building maintenance and housing services are being affected by the COVID-19 outbreak.

From the responses APSE has received to date, it is apparent that the majority are referring to pre-prepared Business Continuity Plans (BCP's) and there is a good deal of commonality across the UK with regards to the changes to delivery either implemented or ready to be implemented should the need arise.

This briefing provides an overview of the responses received and highlights the key actions that local authorities are taking at this unprecedented time.

2. Reactive and planned works

The vast majority of responses received regarding planned maintenance state that the authority has put on hold all existing appointments and are not currently making any new appointments for reactive or planned work.

In cases where work is underway to refit bathrooms / kitchens, rewiring etc. the work will be completed if it is assessed that it is safe to do so, or the property will be made safe and work halted.

3. Emergency or urgent work

For emergency or urgent work that is required to be undertaken in properties, additional measures are being implemented to protect tenants and the operatives. The measures reported by councils included the following: -

- (i) Contractors and in-house operatives have to provide a risk assessment and method statement prior to entering tenants' properties.
- (ii) Additional PPE has been issued to operatives including wipes, plastic gloves and waste sacks with instructions detailing how they should be used.
- (iii) Operatives with underlying health issues have been asked to remain at home.

4. Gas Servicing

In response to APSEs request for information, a member authority advised that they had been experiencing circumstances where self-isolating or confirmed cases of COVID-19 were preventing gas servicing and as such sought clarification. The member authority has supplied details of the clarification they have received from CORGI, the Scottish Government and the Social Housing Regulator in respect of gas servicing. The details are outlined below.

Please note: The details are for information only and individual authorities should seek their own advice in relation to gas servicing until such time as official guidance is supplied.

The response from CORGI (quoting HSE guidance) is as follows:-

“This is something that has come up recently and we are working on a consensus in the light of unprecedented circumstances as this affects our clients, us as an organisation and particularly our auditors in the field. It is good to have a plan, but we also need to bear in mind that it is not certain how this may pan out and everyone will have to wait and see. There are several issues to address, some of which are not gas safety related and will need a joined-up approach from industry professionals in Health, Safety, Gas, Occupational Health and other Healthcare Practitioners.

As you rightly pointed out individuals may self-isolate, this may be under instruction or guidance from the governments department for public health or as a precautionary voluntary measure to safeguard themselves, in some cases without reasonable justification.

Unless guidance is provided by government bodies each organisation will have to assess the risk and act as they deem appropriate.

*In simple terms the Gas Safety (Installation and Use) Regulations state that landlords must take **all “reasonable” steps...***

Regulation 39 Exception as to liability

“No person shall be guilty of an offence by reason of contravention of regulation 3(2) or (6), 5(1), 7(3), 15, 16(2) or (3), 17(1), 27(5), 30 (insofar as it relates to the installation of a gas fire, other gas space heater or a gas water heater of more than 14 kilowatt gross heat input), 33(1), 35 or 36 of these Regulations in any case in which he can show that he took all reasonable steps to prevent that contravention.”

Guidance from L56 - 337 this regulation provides certain exceptions as to liability under which a person is not deemed to be guilty of an offence where they can show that they took all reasonable steps to prevent contravention of the provision concerned. This publication contains guidance in various areas, e.g. concerning access to premises to discharge landlords’ duties under regulation 36. However, it is for a court to decide whether ‘all reasonable steps’ have in fact been taken in particular circumstances, and whether a person is guilty of an offence.

HSE guidance on access:

“A landlord has to show that they took all reasonable steps to comply with the law. HSE recommends the following best practice in these circumstances and strongly advises that a record be kept of all correspondence with the tenants:

- leave the tenant a notice stating that an attempt was made to complete the gas safety check and provide your contact details;
- Write to the tenant explaining that a safety check is a legal requirement and that it is for the tenant’s own safety. Give the tenant the opportunity to arrange their own appointment;
- HSE inspectors will look for at least three attempts to complete the gas safety check, including the above suggestions; however, the approach will need to be appropriate to each circumstance. It would ultimately be for a court to decide if the action taken was reasonable depending upon the individual circumstances.
- It is a good idea to include arrangements for access in the tenancy agreement.”

However, it does not specifically mention what actions to take where health concerns are raised with regard to infection control at any level. E.g. decanting the property of a potentially ill person, risking the spread of infection to other locations and disinfecting it so workers can access may not be reasonable or the safest option for the community on a large scale basis.

As the HSE guidance states: *“it is for a court to decide whether ‘all reasonable steps’ have in fact been taken in particular circumstances, and whether a person is guilty of an offence.”*

Your procedure should already have an element of tenant profiling and vulnerability checks to be carried out prior to taking legal steps for access or making the installation safe (i.e. by removing from use) where access is not granted.

There is also the risk of a significant portion of the workforce being ill at the same time which may necessitate some planning, again weighing up the risks between compliance on the one hand undertaking annual safety checks etc. and responding to emergency repairs. For example you may assess this and determine that where 25% of your workforce are not available and there is a national shortage of Gas Safe Registered engineers due to a global virus then open flue appliances or older appliances have a greater potential for risk than newly installed room sealed appliances so use resources to concentrate on those types of appliances. This is just an example and ultimately you would need to satisfy the regulatory bodies and potentially the courts that this is reasonable under the circumstances.

There are risks (albeit low) of contracting viruses for tenants and workers of any RSL during times of normal national infection levels and infection control should be part of the workforce training regime. According to media reports the risk appears likely to increase due to COVID-19 and has brought this to the forefront of everyone’s mind.

Each organisation would need to evaluate the risks and determine which risks are more significant i.e. the risk of the annual safety check, service and LGSR being overdue and essential safety checks not being carried out versus the risk to individuals and the community from infection and the need for heating and hot water provisions to be available for sanitation and potentially health reasons.

There is no one size fits all and each organisation will have individual challenges depending on the type of accommodation provided and the demographic of occupants. For example those in a care home may be at more risk than a relatively healthy family with teenage children in one household.

For now I would recommend preparing risk assessments that detail actions to take on an individual basis where work is needed and infectious diseases are present, where they are presumed to be present i.e. not confirmed cases but symptoms consistent with infectious disease, for those instructed to isolate and

for voluntary precautionary self-isolation cases. These may already be in existence for all workers not just gas workers. Also review your organisations continuity plan, which should detail how the organisation would function in the event of catastrophe. E.g. flooding or fire significantly impacting the ability of the organisation to perform at normal levels. This should detail that in the event of ABC happening the organisation will do XYZ to prioritise safety of the workforce and occupants and 123 activities will be suspended or prioritised in order of.....

I always say it is better to have a plan and not need it than to need a plan and not have it. “

The response from the Scottish Government:

We are developing some social housing FAQ's with the SHR, SFHA, ALACHO- which we are aiming to issue this week- they will be kept under review and updated where required

They will cover gas safety checks and repairs but the general advice is that landlords should make best efforts to meet the requirements, recording where they have been unable to do so and that this is related to Coronavirus Covid-19 (tenant refusing entry because self-isolating, contractor unavailability, etc.), retrying as soon as is possible and appropriate, and reflecting the level of such instances in performance reporting. Landlords will want to ensure that they maintain good communication with tenants affected so they are clear on what action the landlord is taking and the timescales for this.

You will be aware that the Regulator has written to all social landlords and has advised social landlords prepare and maintain a record of any instances where service cannot be delivered. This includes where you cannot access a property because a tenant is self-isolating.

The response from the SHR:

The Regulator has advised all social landlords to ensure that their business continuity / resilience plan is up to date and accessible to all who may need it. It has advised that landlords should prepare to maintain a record of any instances where service cannot be delivered because of Coronavirus Covid-19, for example where a tenant cannot give access to their home / attend its office because he or she is self-isolating.

The Regulator has advised social landlords to notify it of any significant service disruption or financial impact as a consequence of Coronavirus Covid-19.

The Regulator will monitor the impact of Coronavirus-Covid-19 on social landlords and will report any significant impact to the Scottish Government. It will take account of the impact of Coronavirus Covid-19 reported by a landlord when it assesses the landlord's performance in the annual risk assessment.

In addition, the SHR provided the following advice from the SGR in their response to the member authority:-

Further advice is to keep records where you could not gain access and advise us through our notifiable event process should the numbers of no access cases become significant. Landlords should report numbers of no access cases related to the impact of COVID 19 in the ARC return.

5. Other building maintenance works

Several respondents advised that they are redeploying operatives from planned and reactive maintenance to work on voids and external work. In addition, there were a couple of councils who reported bringing forward planned works in buildings such as leisure centres and schools to reduce the disruption to the facility in the future. It was stated that this was possible due to there not being any issues with the supply chain and there was not a significant reduction in staff.

For operatives that are not fully mobile and are required to go into the office regularly, respondents are reporting that they are operating a pairs system based on skill sets, so that one operative can be in the office while the other stays away to minimise the impact.

6. Housing

There are a range of measures being implemented in the wider housing service in response to the COVID-19 virus. Below is a summary of the measures local authorities are implementing: -

- Staff with office-based roles are all working from home and rather than conducting face to face interviews e.g. the housing option team, these are now being conducted over the telephone.
- For roles where it is not possible to work at home, it is reported that these teams are split in half with half working at an alternative location.
- Many respondents advise that where a presence is required e.g. the front desk of a housing department, there is a skeleton staff in operation.
- Authorities report that they are increasing the communications with tenants to keep them informed of the latest information.
- Some housing service teams are maintaining a register of tenants known to be self-isolating.
- From the information received, the adaptations service is continuing in many councils. However, an assessment is being carried out prior to work being

undertaken which includes input from occupational therapy, medical advice and in consultation with the resident and family to determine if the adaptation is of a high priority.

- Additional PPE is being provided for frontline staff dealing with high risks group such as the homeless, and face to face contact is being restricted wherever possible.
- One authority also reported that they were looking to reallocate funds from other departments to extend rough sleeper accommodation beyond the end of the cold weather fund.

APSE Comment

The UK and local authority services are certainly facing difficult times and now face the biggest challenge since the Second World War in relation to meeting public need.

From the responses received it is apparent that local authorities have been planning for such an incident such as this but perhaps the sheer speed and scale of the pandemic has taken many by surprise. Nevertheless, local authorities are clearly implementing their business continuity plans and have in place services which will continue to meet public need even in these strange times.

APSE will continue to support its members through daily monitoring and disseminating information as it becomes available.

APSE's network query service will still be operational and advice will be forthcoming as and when it is received. Please visit [the APSE COVID 19 web hub using this link](#) for regular up-to-date information. You can also sign up to the APSE COVID 19 support networks for frontline services including specific WhatsApp groups and a rapid network query service using [this link](#).

Members should look out for regular updates either via the APSE website or through short briefings such as these.

Undoubtedly there will be significant changes and demands being placed on local authorities but through the sharing of information and experiences we will undoubtedly rise to the challenge and meet the needs of our public and customers.

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