

# Housing Compliance Policy

## 1. Overview / Policy Statement

- 1.1 South Oxfordshire and Vale of White Horse District Councils (the councils) are committed to delivering homes and properties which meet the Regulator of Social Housing's Consumer standards and provide reassurance for tenants that their properties and the associated risks are well managed. This will be achieved by managing and maintaining homes according to statutory/regulatory requirements and best practice principles. This is an overarching policy that links to other specific housing policies.

## 2. Objectives

- 2.1 The objectives of this policy are to ensure that:
- The councils meet their statutory and regulatory responsibilities and duties as housing landlord.
  - Procedures are in place for the Development and Corporate Landlord Operational team to identify sites where components or equipment require inspection, removal, servicing or maintaining to comply with the statutory and regulatory requirements.
  - Procedures are in place relating to how the councils manage and monitor the compliance data and certification, including their internal auditing and reporting to the Regulator of Social Housing.
  - The councils are transparent in its compliance reporting.
  - The councils report on key performance indicators.
  - The roles and responsibilities for ensuring compliance are identified and defined.

## 3. Scope

- 3.1 This policy applies to all housing accommodation provided by the councils.
- 3.2 This policy covers:
- Asbestos management
  - Electrical safety
  - Fire and building safety management
  - Gas safety
  - Water hygiene
  - Lifts
  - In-service inspection and testing (ISIT)

- Energy Performance Certificates (EPC)
- Decent Homes Standard
- Health and Housing Safety Rating System (HHSRS)

## 4. Roles and Responsibilities for Delivery

- 4.1 This section outlines the different roles and responsibilities for the delivery of this policy
- 4.2 The Development and Corporate Landlord Operational team will:
- Maintain the homes that the councils provide as a landlord in accordance with best practice and legislation
  - Ensure that the councils are compliant with current statutory and regulatory requirements
  - Manage appointed contractors, the void process and any works required to ensure compliance
  - Provide technical support in relation to contractor works
- 4.3 The Housing Delivery team will:
- Liaise with tenants
  - Aid with providing access to properties
  - Report to the Regulator as required
- 4.4 The Health & Safety and Audit teams will also assist in the delivery of this policy.
- 4.5 Key external stakeholders involved in the successful delivery of this policy include the Regulator of Social Housing, the Housing Ombudsman and competent bodies such as Gas Safe.

## 5. Relevant Legislation

- 5.1 The relevant legislation (and regulations) includes the following:
- [Regulatory standards for landlords - GOV.UK.](#)
  - [Social Housing \(Regulation\) Act 2023.](#)
  - HSG274 Part 2: The control of legionella bacteria in hot and cold-water systems
  - Homes (Fitness for Human Habitation) Act 2018 (HFHHA 2018)
  - Housing Acts 1985, 1988, 1996, 1998 and 2004
  - The Secure Tenants of Local Authorities (Right to Repair) Regulations SI. 1994 No 133
  - The Secure Tenants of Local Authorities (Compensation for Improvements) regulations 1994, SI 1994 No 613
  - The Leasehold Reform, Housing and Development Act 1993
  - Landlord and Tenant Act 1985
  - Defective Premises Act 1972
  - Landlord and Tenant Act 1985 – Section 11
  - Defective Premises Act 1972 - Section 4

- Environmental Protection Act 1990 – Part III
- Fire Safety (England) Regulations 2022
- Gas Safety (Installation and Use) Regulations 1998
- Regulatory Reform (Fire Safety) Order 2005
- Commonhold and Leasehold Reform Act 2002
- Equalities Act 2010
- Control of Asbestos Regulations 2012
- Housing Health & Safety Rating System
- Health and Safety at Work Act 1974
- Provision and Use of Work Equipment Regulations

## **6. Relevant Policy and Procedure**

- 6.1 The relevant policy and procedures are listed below:
- Housing Gas Safety Policy
  - Housing Asbestos Policy
  - Housing Electrical Safety Policy
  - Housing Fire Safety Policy
  - Housing Repairs Policy
  - Housing Legionella Policy
  - Housing Void Policy
  - Data Protection policy
- 6.2 The relevant health and safety policy and codes for the councils will also apply to this policy. This includes, but is not restricted to:
- First Aid
  - Violence and Aggression at work
  - Workplace Safety
  - Working at Height
  - Electrical Safety Personal Protective Equipment
  - Asbestos Management
  - Incident Reporting and Investigation
  - Manual Handling

## **7. Policy and Procedure**

- 7.1 The councils recognise their responsibility for statutory compliance within their housing stock and are committed to ensuring safety standards and compliance requirements are met.

### **Asbestos**

- 7.2 The councils have in place an Asbestos Management Plan to support the monitoring and recording of asbestos containing materials (ACMs) identified in their housing using the relevant IT system (Concerto module).
- 7.3 The Development and Corporate Landlord Operational team will ensure that a consistent approach to the management of asbestos is maintained.

- 7.4 Staff who may work either directly or indirectly on properties which may contain asbestos are trained to understand the risks and how to manage them.
- 7.5 All buildings identified as requiring monitoring are programmed for reinspection.
- 7.6 Refurbishment, management and demolition surveys are carried out, as appropriate, with review and evaluation in accordance with a defined scope of works for all major repairs and improvement schemes.
- 7.7 No works are permitted on properties known or suspected to contain ACMs (Asbestos Containing Materials) until the relevant survey has been completed or confirmation that data already held in this system is accurate and sufficient for the required works by the appropriate officer/s.
- 7.8 Surveys are undertaken by approved United Kingdom Accreditation Service (UKAS) accredited external consultants and uploaded on an electronic asbestos register in the relevant asset management system. Detailed procedural documentation defines how asbestos or presumed asbestos information is robustly communicated.
- 7.9 Work to encapsulate or remove high risk asbestos will only be carried out by an approved contractor with an appropriate HSE licence and suitably qualified competent.
- 7.10 Work to encapsulate or remove low risk asbestos will be carried out by competent qualified individuals.

## **Fire Safety**

- 7.11 The councils will maintain a register of all properties where they have a responsibility to provide a Fire Risk Assessment (FRA).
- 7.12 For qualifying buildings and areas, a suitable FRA is undertaken annually by an appropriately trained and experienced competent person.
- 7.13 The councils will maintain a register of all properties where specific cyclical fire safety systems and equipment management activities are identified.
- 7.14 Any contact with the Fire and Rescue Service regarding non-compliance or involving warning notices will be reported corporately.
- 7.15 Management actions and remedial works arising from the FRA and/or any other risk assessment are actioned and tracked to completion, including evidence of completion, including photographs and relevant certification, materials used and stored in the relevant asset management systems.
- 7.16 Fire Safety systems and fire safety equipment where fitted, are maintained to the recommended standards through regular programmes of cyclical maintenance.

- 7.17 Fire Safety in the hostels is monitored monthly through internal safety checks.
- 7.18 All tenants with additional support needs in communal buildings will have a person-centred risk assessment (PCRA) to support fire management of the property.
- 7.19 Fire safety in individual dwellings is managed through the provision of domestic smoke detection systems which are checked annually by the councils.
- 7.20 The structure of individual dwellings will be checked as part of stock condition surveys and during capital maintenance, for example, fire break walls will be checked during re-roofing projects.
- 7.21 Tenants with additional support needs in individual dwellings who may impact the fire risk will be referred to the Fire and Rescue Safe and Well Service.
- 7.22 The councils will routinely publish safety information and reminders to all tenants on fire safety.

### **Gas Safety**

- 7.23 All homes with a gas-burning appliance will receive an annual service, no later than 12 months after the last service. The appointed contractor operates on a ten-month cyclical programme of gas servicing to allow sufficient time to gain access to service appliances within the required 12-month period.
- 7.24 On completion of a gas service, a Landlord Gas Safety Requirements (LGSR) will be provided to the councils, and a paper copy provided to the tenant at sign up.
- 7.25 All homes with an open flued gas appliance will be fitted with a carbon monoxide detector.
- 7.26 Carbon monoxide detectors will be checked annually as part of the gas servicing.
- 7.27 All communal gas fired systems will receive an annual service no later than 12 months after the last service.
- 7.28 Gas servicing, new installations and maintenance on gas systems will be undertaken in accordance with the statutory regulations, manufacturers guidance and the councils' specification of work.
- 7.29 All appointed contractor operatives working on gas appliances must be Gas Safe registered and must provide proof of their registration prior to being allowed to undertake any works.
- 7.30 All engineers visiting residents' homes must show resident both their personal identification card and Gas Safe registration card prior to starting works.
- 7.31 The councils will maintain a database of all service records and manage the programme of servicing using the relevant asset management system.

## **Electrical Safety**

- 7.32 All homes and communal areas with electrical supplies will have an Electrical Installation Condition Report (EICR) to the fixed wiring no later than 5 years from the previous inspection.
- 7.33 All engineers from the appointed contractor working on electrical installations will be National Inspection Council for Electrical Installation Contracting (NICEIC) registered and must provide proof of their registration prior to being allowed to undertake any works.
- 7.34 All engineers visiting residents' properties must show resident both their personal identification card and NICEIC registration card prior to starting works.
- 7.35 Empty properties will have an EICR undertaken prior to relet.
- 7.36 Where a check is required for any other purpose than to renew the 5 yearly inspection and where there is a satisfactory EICR which is less than 12 months old, these checks and inspections may be a visual only, and this must be recorded on the NICEIC documentation.
- 7.37 On completion of an inspection, an electronic EICR will be delivered to the councils, and a copy provided to the tenant within 28 days and to any new tenant before they occupy the property.
- 7.38 Where an EICR inspection identifies a code 1 and or code 2 defect (indicating a danger or potential danger respectively) the engineer will either:
- Rectify the issue whilst on site or;
  - If the defect cannot be repaired during the visit (for example, if a rewire or a new consumer unit is required), they will decommission the system and immediately report to the Development and Corporate Landlord Property Operations team
- 7.39 All defects identified during an EICR inspection will be repaired within 10 working days unless a rewire is required.
- 7.40 The councils will maintain a database of all systems requiring an EICR.
- 7.41 All council-owned items requiring in-service inspection and testing (ISIT), previously known as portable appliance testing (PAT), in temporary accommodations will be tested at the void stage along with an electrical inspection of fixed wiring.
- 7.42 The councils will maintain a database of all devices requiring ISIT.
- 7.43 Council-owned devices will have ISIT carried out at least once every two years, and items may be subject to a higher frequency testing cycle if they are of a higher risk of defects.

## **Water Hygiene**

- 7.44 Water hygiene within the councils' housing stock is managed by risk assessment with formal risk assessments being provided for communal water systems.
- 7.45 The councils will undertake risk assessments for all relevant properties every 2 years in line with the L8 Approved Code of Practice. This will identify potential sources of risk and their potential harm, reflecting on both the use of the building and its occupancy type.
- 7.46 All assessments will be undertaken by qualified assessors.
- 7.47 All works and testing regime will comply with HSG274 Part 2: The control of legionella bacteria in hot and cold-water systems.
- 7.48 All actions which are identified will be undertaken with the timescales identified in the risk assessment.
- 7.49 Information to residents on the risks of legionella will be provided to tenants.

## **Lifts and other specialist equipment**

- 7.50 All works and servicing to lifts and specialist equipment will be undertaken by qualified and experienced engineers who hold qualifications and relevant experience to that equipment.
- 7.51 Any engineers undertaking work will be expected to put in place relevant isolation and safety measure to prevent unauthorised use whilst works are taking place and ensure residents and occasional users of the building are fully informed during the works.
- 7.52 Where practicable lifts will be programmed to return to ground automatically in the event of a fire or alternatively Fireman's Switches will be installed which allow for manual intervention by the fire brigade to ground lift cars.
- 7.53 All lifts will have a working emergency call system.
- 7.54 All lifts will be fully serviced annually. Where any significant issues are identified lifts will be immediately decommissioned and be reported to the councils.
- 7.55 Specialist equipment will be serviced in accordance with manufacturer's guidance.
- 7.56 A register of all specialist equipment will be held by the relevant council team and details of fixed assets recorded on Concerto.
- 7.57 Certain types of specialist equipment will be registered with the councils' insurers.

## **Energy Performance Certificates**

- 7.58 All homes will meet EPC C as a minimum prior to letting, any works required because of the EPC assessment will be carried by out by the Development and Corporate Landlord Operational team, and confirmation of meeting the standard will be confirmed to Housing Delivery prior to letting.
- 7.59 The councils will maintain a database of all assets requiring an EPC.
- 7.60 All Assessments will be undertaken by qualified assessors.

### **Decent Homes Standard**

- 7.61 All homes will meet the [Decent Homes Standard](#) prior to letting, any works required because of the void assessment will be carried by out by the Development and Corporate Landlord Operational team, and confirmation of meeting the standard will be confirmed to Housing Delivery prior to letting.
- 7.62 The councils will maintain a database of all assets requiring an EPC.
- 7.63 All assessments will be undertaken by staff with an understanding of the Decent Homes Standard.

### **Housing Health and Safety Rating System (HHSRS)**

- 7.64 All homes will be assessed against the HHSRS to letting, any works required because of the assessment will be carried by out by the Corporate Landlord, and confirmation of meeting the standard will be confirmed to Housing Delivery prior to letting.
- 7.65 Homes will be regularly visited and where required they will be reassessed to confirm continuing compliance, where hazards are found works will be undertaken to meet compliance.
- 7.66 All Assessments will be undertaken by staff who have undertaken HHSRS training.

### **Access to homes**

- 7.67 As a responsible landlord, the councils aim to maintain the condition of properties they own and manage to ensure the safe welfare of occupants, as far as is reasonably practicable, at all times. In pursuing this aim, the councils will in some circumstances, require access to properties and adjoining grounds. Right to this access is an express condition of the tenancy agreements and the councils will expect that, given reasonable notice, access will be granted by the occupants of properties they own and provide services to.
- 7.68 There are various reasons why the councils would need to secure access to properties they own and / or manage on a pre-planned basis, including:
- Access to carry out repairs which are the landlord's responsibility to complete.



- Access to carry out safety checks to ensure the landlord meets its legal 'compliance' obligations e.g. to carry out annual gas safety checks in line with Landlord Gas Safety Requirements (LGSR) or fire risk works.
  - Access to assess the general condition of properties or for the presence of known hazards e.g. asbestos surveys.
  - Access to assess the need for, or to carry out investment works and property improvements to eliminate hazards or maintain / enhance asset values.
  - Access to carry out tenancy visits to assess both the condition of the property and that the needs of tenants are being met effectively.
- 7.69 The relevant council team, or its appointed contractor, will make reasonable efforts to arrange appointments and gain access with the cooperation of the tenant. This would include via letters, phone calls, emails and visits from Housing officers. In most cases, the above measures usually result in access being secured.
- 7.70 There are, however, occasions where the councils may be required to take tenancy or lease enforcement actions to secure access. These may include:
- Applying for injunctions from the courts to enforce the landlords 'right of access'.
  - Serving notices breach of tenancy and applying to the courts to secure access and pursuing the above legal remedies for gaining access to properties will only be taken when all other reasonable attempts at contact and access by agreement have been exhausted.

## **Data Management**

- 7.71 All information regarding statutory compliance works must be held and recorded in suitable IT systems, and managed through the councils' data management processes, policies and procedures. The specific area of compliance may impact the detailed type of information held. However, as a minimum, this must include dates of inspection, completion and reinspection for statutory compliance inspections, information of materials used to make good. For example, with fire remediations and removal and cleanliness reports in relation to asbestos.
- 7.72 Contractors undertaking safety checks will be expected to provide information on servicing in a format and frequency which allow the Development and Corporate Landlord Operational team to update the information on the appropriate system and monitor performance and compliance.
- 7.73 The Development and Corporate Landlord Operational team will be responsible for monitoring all data relating to compliance, including actions which flow, are correctly updated, stored and managed. This may be via a range of suitable systems, including spreadsheets, Concerto or another system. They will be responsible for overseeing the compliance programme. This information will be reported to the Housing team as required and quarterly to the councils' internal Housing Landlord Compliance Group to ensure tenant safety and for reporting to the Regulator of Social Housing.

- 7.74 The Development and Corporate Landlord Operational team, who are directly organising/ managing works and contractors, are responsible for ensuring any compliance data they are in control of is recorded in the correct asset management system for audit and monitoring by the Housing Delivery team.

### **Audits and Quality Control**

- 7.75 To provide overview and governance of compliance, the agreed and established Key Performance Indicators (KPIs) will be collated and provided to the Housing team on a monthly basis by the Development and Corporate Landlord Operational team, along with information on outstanding actions and plans to mitigate known risks or delays which may impact statutory compliance KPI completion.
- 7.76 The councils will also:
- Identify gaps or areas to strengthen response and control.
  - Actively engage with the Regulator of Social Housing as required to provide assurance on figures and best practice adoption.
  - Where appropriate engage external specialist audit providers to provide assurance on contractor service provision.

## **8. Employment Contractual Status**

- 8.1 This policy does not form part of the contract of employment for South Oxfordshire District Council or the Vale of White Horse District Council.

## **9. Communication and Contact Information**

- 9.1 For further information about this policy, please contact the Housing team via email: email [tenants@southandvale.gov.uk](mailto:tenants@southandvale.gov.uk) or telephone 01235 422000.

## **10. Alternative Formats**

- 10.1 Please do not hesitate to contact a member of the Housing team if you would like this policy in an alternative format, via: [tenants@southandvale.gov.uk](mailto:tenants@southandvale.gov.uk) or telephone 01235 422000.

## **11. Change Record**

<b>Change Record</b>	
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