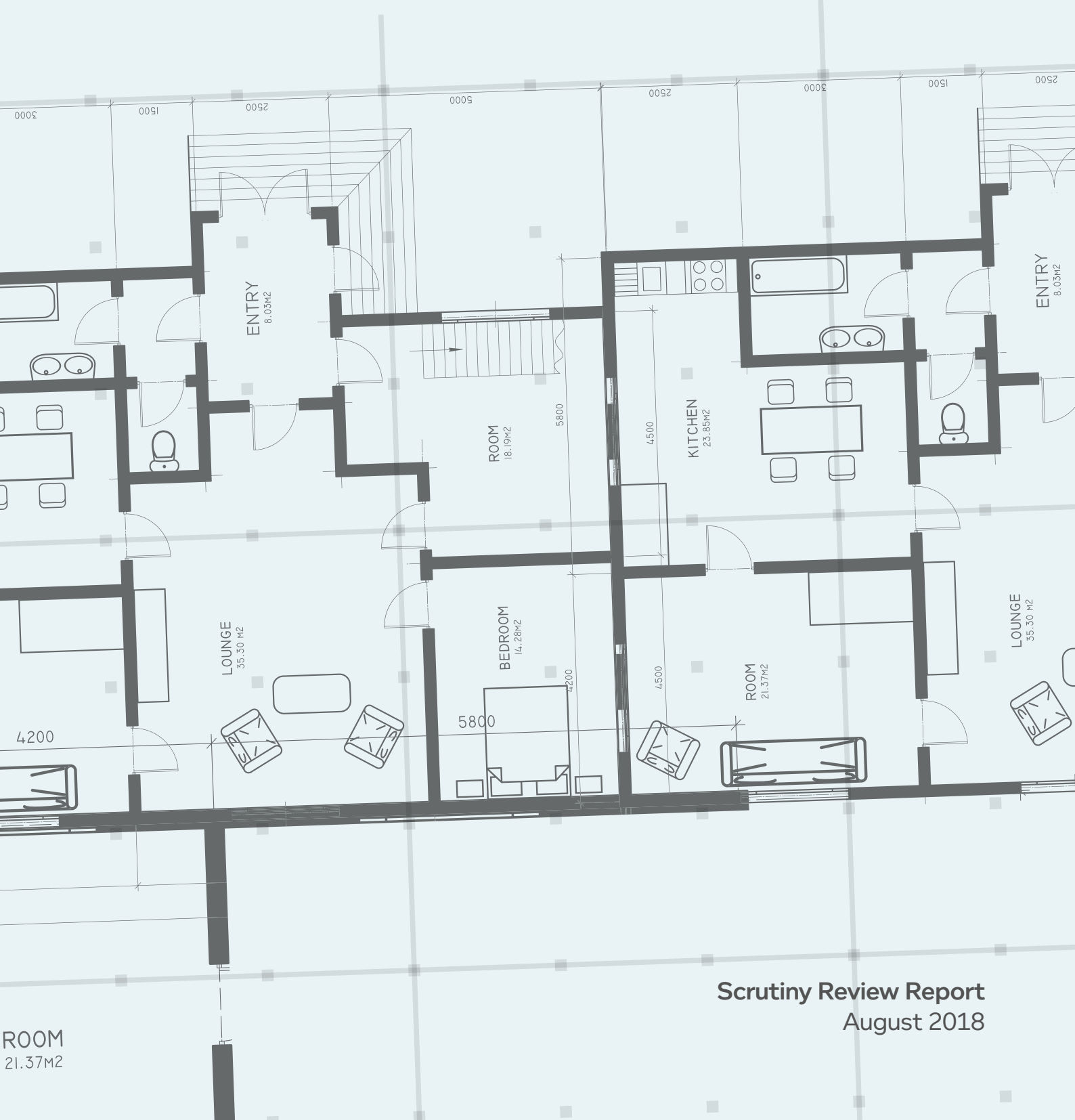




Residents' Panel Managing Health and Safety during Major Works



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Chair's foreword

The delivery of 'Major Works', by definition, implies major changes. Minimising disruption helps improve resident safety and makes good financial sense.

Residents, as observers and recipients, are in a unique position to feedback on what is working well and what can be improved – as illustrated in the wake of the Grenfell Tower disaster.

Given that health and safety is a source of serious concern to residents, members of THH's Residents' Panel came together alongside officers to share their views and scrutinise procedures to inform strategic recommendations around:

- Processes followed by contractors to ensure health and safety obligations are met;
- Awareness of health and safety standards that should be observed on-site; and
- Mechanisms to consult and enable residents to raise health and safety concerns.

While improving our collective understanding about how such processes operate, this review enabled residents to make simple recommendations to help empower residents. Recommendations made by the Panel highlight strategies for:

- Improving transparency, accountability and communication;
- Exploring channels for resident involvement in contract management;
- Empowering residents with technology to enable swifter responses to health and safety concerns; and
- Increase detection rates for non-compliance, strengthen residents' voice, and reduce onerous reporting procedures which also minimise costs.

Thanks are due to THH Residents' Panel members Saleha Jafrin, Shaheda Najmeen, Chris Weavers and Margaret Wilson who joined Seton Akojenu (Head of Health & Safety), Ben Campbell (Capital Programmes Delivery Manager), Gulam Hussain and Mas Momin (Scrutiny & Resident Feedback) from Tower Hamlets Homes for helping to undertake this review.



Daniele Lamarche
Residents' Panel Member

Summary of recommendations

✓ Recommendation 1

Improve how THH communicates with residents during Major Works by developing an information pack which includes:

- a. A checklist of key information residents should receive about the project
- b. Project timelines and key contacts
- c. Health and safety standards to be observed on site
- d. The roles, responsibilities and accountabilities between THH and contractors during Major Works

✓ Recommendation 3

Improve transparency by publishing key information online such as:

- a. Information on duty holders, on-site facilities, risk assessments and environmental impact during Major Works (in line with the Construction and Design Management Regulations (CDM) 2015)
- b. Publicising information on site visits conducted by THH staff
- c. Sharing information on safety and quality assessments planned as part of the Major Works post-completion process

✓ Recommendation 2

Explore how residents can be involved in supporting contract management arrangements.

✓ Recommendation 4

Introduce a mechanism for residents to report health and safety concerns to THH using photos/videos.



Introduction

- 1.1 Since 2008, Tower Hamlets Homes (THH) has operated as the Arm's Length Management Organisation (ALMO) owned by the London Borough of Tower Hamlets. It is responsible for delivering housing management services to 22,000 homes across the borough.
- 1.2 As part of its functions, THH is responsible for overseeing the planning and delivery of investment across its portfolio in line with the requirements set out in the Housing Act 2004, and the Homes and Neighbourhood and Community Standards 2012 issued by Homes England.
- 1.3 Between 2011 and 2016, THH has invested £181 million through the Decent Homes programme to improve standards across 8,500 properties. As of 2017, this has been superseded by the Better Neighbourhoods Investment Programme (BNiP) which plans to deliver further improvements over a period of five years. This includes external Major Works, communal decorations, mechanical & electrical works and fire safety improvements.
- 1.4 In light of the health and safety failures identified in the aftermath of the events at Grenfell Tower, and the ongoing programme of investment being delivered by THH, the Residents' Panel sought to explore how THH manages its health and safety obligations; particularly during the delivery of Major Works. The review sought to explore:
 - What processes are followed to ensure contractors manage their health and safety obligations;
 - How are residents consulted and kept informed about the health and safety standards that should be observed on-site; and
 - What mechanisms exist to enable residents to raise concerns about health and safety
- 1.5 Despite the underlying drivers for this review, the Panel only briefly considered issues linked to fire safety. This was in recognition of the existing body of work being undertaken by THH to address concerns, and engage residents in overseeing the delivery of its fire safety improvements across its housing portfolio.
- 1.6 The review took place on the 21st June and 5th July 2018, chaired by Daniele Lamarche and supported by Saleha Jafrin, Shaheda Najmeen, Chris Weavers, and Margaret Wilson. Officers in attendance included:

Seton Akojenu
Head of Health and Safety
Tower Hamlets Homes (THH)

Ben Campbell
Capital Programmes Delivery Manager
Tower Hamlets Homes (THH)

Gulam Hussain
Scrutiny and Resident Feedback Manager
Tower Hamlets Homes (THH)

Mas Momin
Resident Feedback Officer
Tower Hamlets Homes (THH)

The health and safety regulatory framework

- 2.1 The Housing Act 2004 sets a baseline for the minimum health and safety standards that must be met in all residential properties in England and Wales. Introduced as a replacement of the Housing Fitness Standard, the revised Housing Health and Safety Rating System (HHSRS) scheme requires landlords to identify and mitigate the impact of a wider range of potential hazards. The Act also includes provisions enabling local authorities to pursue enforcement against landlords where standards are not upheld.
- 2.2 The Regulatory Reform (Fire Safety) Order 2005 extends requirements introduced in the Housing Act 2004, by obliging landlords to carry out fire risk assessments in the common areas of HMOs, flats and maisonettes, and take necessary action to minimise the risk of fire. This requirement does not extend to individual dwellings.
- 2.3 The duties of landlords are further defined by the Health and Safety at Work Act 1974 which outlines the fundamental structure for encouraging and regulating workplace health and safety in the UK. Whilst not specific to the housing sector, the Act enables a number of regulations which reinforce the responsibilities of landlords, and affect the planning and delivery of maintenance and investment. Key regulations issued under the Act are listed below.
- 2.4 The Construction Design and Management Regulations 2015 issued under the Health and Safety at Work Act provides an overarching framework, governing the way in which construction projects of all sizes and types are planned and delivered. The 2015 revision of the guidelines increases the accountability for clients of construction projects by placing greater responsibilities on them to ensure the health, safety and welfare of individuals involved in construction projects. Under this regulation, clients are required to:
- Designate duty holders to plan and manage risks from start to finish
 - Ensure staff have appropriate skills, knowledge, experience and organisational capability and that they cooperate and coordinate work
 - Notify the Health and Safety Executive where projects last longer than 30 working days with 20 workers on site at any one time, or exceed 500 person days;¹ and
 - Maintain appropriate risk assessments with information on mitigations, and ensure this is communicated effectively to all those who need to know.

The Health and Safety at Work Act 1974 – Key regulations include:

- Gas Safety (Installation and Use) Regulations (GS(I&U)R)1998
- Gas Safety (Management) Regulations (GS(M)R) 1996
- Lifting Operations and Lifting Equipment Regulations (LOLER) 1998
- Control of Substances Hazardous to Health Regulations (COSHH) 2002
- Control of Asbestos Regulations (CAR) 2012
- Working at Height Regulations (WAHR) 2005
- Electricity at Work Regulations (EAWR) 1989
- Provision and Use of Work Equipment Regulations (PUWER) 1998
- Construction Design and Management Regulations (CDM) 2015

A full list of Health and Safety regulations can be found on the Health and Safety Executive website.

¹The number of person days is calculated by multiplying the number of workers on site by the expected duration of the project e.g. 10 workers x 60 working days = 600 person days.

Embedding health and safety across Tower Hamlets Homes

- 3.1 Tower Hamlets Homes' Health and Safety Strategy 2018 - 2021 outlines a vision for building a rigorous health and safety framework within the borough. Underpinned by five core priorities, the strategy aims to strengthen compliance through greater leadership, strengthened risk management, improved competence, enhanced communication and effective performance monitoring. These priorities aim to support an iterative approach that enables the organisation to:
- Take a holistic approach to identifying and controlling risk;
 - Achieve a balance between the systems and behavioural aspects of risk management; and
 - Focus on continuous improvement.
- 3.2 The Health and Safety Strategy is underpinned by a robust delivery framework, and a broad suite of performance indicators designed to measure and benchmark performance internally and externally. As well as measuring a range of internal performance standards relating to staff welfare, the strategy outlines a number of indicators which monitors compliance with health and safety standards across the estates managed by THH. These measures include monitoring of the:
- Number of residential blocks with up-to-date Fire Risk Assessments (FRA)
 - Number of fire equipment in residential blocks serviced
 - Number of water systems with up-to-date water risk assessments
 - Number of lifting equipment in residential blocks serviced
 - Number of residential blocks with up-to-date electrical intake inspection certification
 - Number of estate inspections carried out quarterly
 - Number of contractor schemes monitored for health and safety performance annually
 - Number of dwelling and communal gas safety inspections carried out
- 3.3 Performance against the indicators outlined in the Health and Safety Strategy are jointly reported in the form of the Health and Safety Dashboard by the THH Repairs and Health and Safety Teams. This is presented on a quarterly basis to the THH Board, its Executive Management Team, the Council and other relevant trade union forums. Information is also published online on the THH website, allowing residents and other users to explore and scrutinise performance.

Health and safety in the procurement cycle

- 3.4 Public sector procurement is subject to a legal framework underpinned by European and national regulations. These obligations aim to open up the public procurement market, ensure free movement of goods of services within the EU, and ensure procurement is based on achieving 'value for money' through a competitive process.
- 3.5 As an Arm's Length Management Organisation (ALMO), THH is bound by its Scheme of Delegation and Financial Limits, which is framed by the Management Agreement with the London Borough of Tower Hamlets. This is reinforced by EU regulations embedded through the Public Contracts Regulations 2015, which requires all public sector authorities to follow a defined process for the purchase of goods and services, subject to meeting or exceeding specified thresholds.

- 3.6 The procurement process for Major Works is underpinned by close collaboration between THH's Health and Safety and Capital Delivery Teams. This helps to ensure health and safety compliance requirements are appropriately considered, and embedded to create robust contract specifications.
- 3.7 In addition to assessing the experience and competence of suppliers through their tender submissions, information may also be obtained through references from previous clients, records of formal action pursued by the Council's Planning and Building Control Service, and by cross referencing the Health and Safety Executive's prosecution register. The register captures all formal action pursued by the Health and Safety Executive based on notifications of accidents reported under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013. Whilst these rigorous checks play an important role in helping to determine the most suitable contractor, the process also allows for improvements shown by contractors to be recognised.
- 3.8 The THH Procurement Board, composed of Directors, Heads of Services, senior members of the Council's Client Team and other relevant officers, forms part of the procurement governance framework. The Board provides an additional layer of scrutiny for commissioning activities to ensure they achieve the best value for money, meet financial regulations and are fit for purpose.
- 3.9 Based on the complexity of projects, the THH Health and Safety Team provides support throughout the pre-construction and construction stages in the form of safety documentation reviews, attending pre-contract/progress meetings and carrying out site inspections.



Communicating health and safety standards to residents

- 4.1 Through its Better Neighbourhoods Investment Programme (BNiP), THH has adopted an enhanced consultation model designed to increase the opportunities available to residents to be informed, and involved in shaping the delivery of works planned for their estates and neighbourhoods.
- 4.2 As part of the engagement roadmap, local Tenants and Residents Associations (TRAs) are engaged prior to the commencement of works, to provide an initial outline of the proposed improvements. This is matched by an extended consultation process for leaseholders delivered under the 'New Deal for Leaseholders'.² All residents are subsequently notified through newsletters produced in partnership with the appointed contractors and offered a range of opportunities to engage. This includes options to attend information drop-in events, or participate in joint project scope walkabouts with officers from THH and the appointed contractors.
- 4.3 Throughout the duration of the works, residents have access to a dedicated Resident Liaison Officer and are provided letters and newsletters setting out progress updates. Information on key phases of delivery and notifications on any changes to timelines are also included. This is reinforced through continued engagement with local Tenants and Residents Associations (TRAs) and other relevant resident groups. For larger projects, residents are also offered opportunities to participate in mid-project walkabouts.
- 4.4 Whilst recognising improvements to the way in which THH communicates with residents during Major Works programmes, members of the Residents' Panel observed that the choice of daytime meetings could exclude a large number of residents from the consultation process, particularly those in employment. The Panel also noted that information provided to residents often appeared to lack clarity and an appropriate level of detail. This prevented residents from being able to monitor progress, and contributed to confusion where activities appeared to not follow an expected order.
- 4.5 Although officers recognised this issue, they advised that the current arrangements reflected what has been shown to secure the most residents based on previous experience. Residents who are unable to attend could still engage by contacting their Resident Liaison Officer or contacting THH directly using the information provided in letters and newsletters during the pre-works period.
- 4.6 Officers advised that proposed works can change quite soon after contractors are on site. This was in part due to many blocks lacking detailed surveys prior to the initiation of a project. The full scope of works are often only fully understood once contractors are on site, and have been able to carry out a ground level survey and erect scaffolding to fully inspect a block. Blocks may also receive works in several work streams which can coincide (e.g. they might receive external major works, fire safety works and then a new lift).

²The New Deal for Leaseholders is an offer from THH to leaseholders to provide more flexibility, transparency and choice. More information on the initiative can be found by visiting www.thh.org.uk.

4.7 The Panel expressed concern at the perceived lack of clarity in the responsibilities of THH and its contractors during Major Works and the absence of information relating to health and safety being provided to residents. Citing the key role played by caretakers in managing health and safety on estates, the Panel noted that there was often a lack of clarity in areas of responsibility between caretakers and contractors in ensuring a basic level of cleanliness on estates. This often resulted in potential health and safety hazards in the form of build-up from detritus and undisposed materials used by contractors, which were compounded by an absence of clear guidance and accountability.

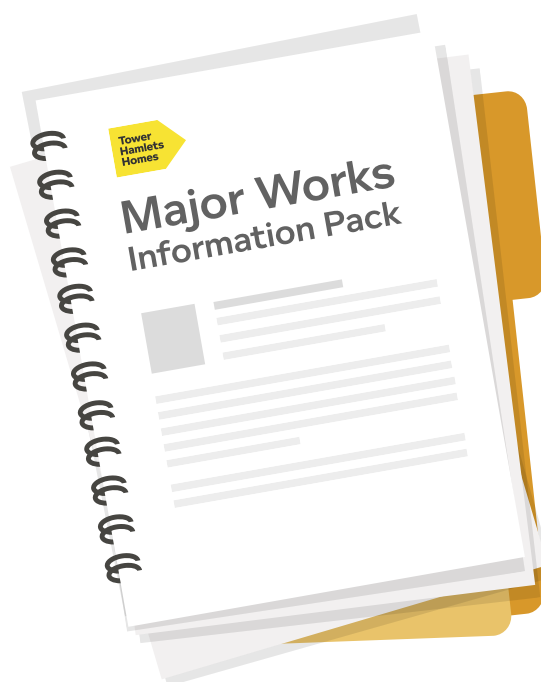
4.8 Officers noted concerns and advised that whilst there may be an amended caretaking service during Major Works programmes; this should not result in health and safety hazards emerging on estates. Contractors did however have a duty to responsibly dispose of any waste arising from the works they were carrying out.

4.9 In order to address the gaps in information identified, the Panel recommended that officers develop an information pack containing key information to provide residents clearer oversight of the projects on their estates and greater clarity over the roles and responsibilities of THH and its contractors.

Recommendation 1

Improve how THH communicates with residents during Major Works by developing an information pack which includes:

- a. A checklist of key information residents should receive about the project
- b. Project timelines and key contacts
- c. Health and safety standards to be observed on site
- d. The roles, responsibilities and accountabilities between THH and contractors during Major Works



Monitoring health and safety compliance

- 5.1 The Construction and Design Management Regulations 2015 requires all construction projects to be underpinned by a comprehensive approach to managing risks, and ensuring compliance with health and safety standards. To ensure this is achieved, THH has adopted a robust project management protocol with strong internal governance to ensure there is appropriate oversight of all aspects of delivery.
- 5.2 To support the monitoring of performance and compliance with health and safety requirements, officers from THH meet with contractors on a frequent basis to review progress. As well as receiving reports from contractors, officers may carry out site visits to review quality and compliance. In order to enable reporting on all health and safety issues, contractors are encouraged to make reports on all near misses and demonstrate improvements based on the lessons learnt. Through this approach, 489 non-RIDDOR reportable accidents were recorded for the first year (2017-18) of the Better Neighbourhoods Investment Programme.
- 5.3 Whilst contractors are encouraged to report on near misses and compliance issues without risk of being penalised, they continue to be subject to a performance framework which offers a number of safeguards to manage serious or continued failures. The framework affords THH powers such as the ability to require contractors to bring in additional resources or address training issues, ban subcontractors from site for poor performance or serious health and safety failings, or terminate contracts entirely. This is reinforced by the ability to refer matters to the Health and Safety Executive for review and intervention. As part of its new cycle of commissioning, contractors are being provided small lots of work to ascertain the quality and standard of delivery. This will be used to determine whether contractors meet the required expectations and can continue to carry out further work.
- 5.4 The Panel recommended that contract management arrangements could be further strengthened by ensuring the voice of residents is reflected in discussions. This would help to improve accountability and provide a more accurate measure of satisfaction.

Recommendation 2

Explore how residents can be involved in supporting contract management arrangements.

- 5.5 The Panel also recommended that in line with the principles of the recommendations made in Dame Judith Hackitt's 'Independent Review of Building Regulations and Fire Safety', residents should be provided access to key information captured as part of the requirements of the Construction and Design Management Regulations 2015, in addition to details of post inspection assessments and planned site visits. This would enable residents to have a much stronger voice, and provide them greater reassurance on how effectively issues of health and safety are being managed.

Recommendation 3

Improve transparency by publishing key information online such as:

- a. Information on duty holders, on-site facilities, risk assessments and environmental impact during major works (in line with the Construction and Design Management Regulations (CDM) 2015)
- b. Publicising information on site visits conducted by THH staff
- c. Sharing information on safety and quality assessments planned as part of the Major Works post-completion process

Reporting health and safety concerns

- 6.1 Having explored the steps taken by THH to ensure health and safety requirements are observed on site, the Panel sought clarification on the mechanisms available to residents to raise concerns over the management of health and safety. Members of the Panel cited examples of potential hazards arising from perceived poor working practices. This included trip hazards from trailing wires, unsupervised equipment, propping open doors to communal security entrances and blockages to access points that may restrict emergency access.
- 6.2 The Panel noted that whilst residents had access to Resident Liaison Officers and could escalate issues to Site Managers, they were often seen as non-experts and not afforded due regard. With an absence of a clear route to escalate concerns, this was often a cause of distress.
- 6.3 Officers highlighted that whilst Resident Liaison Officers were the primary route to raising concerns, residents could also escalate issues by forwarding on information to their local Tenants and Residents Associations (TRAs. Under the Better Neighbourhoods Investment Programme, TRAs are engaged on an ongoing basis throughout the construction phase, enabling resident concerns to be identified and addressed during the course of the project. Other options included contacting THH directly or participating in mid-project or end of project snagging walkabouts to highlight any concerns.
- 6.4 The Panel noted that although there were a range of options in place, these constrained residents based on whether or not they had access to an active resident group or are able to participate in estate walkabouts. The Panel also noted that in line with the service standards associated with complaints, residents were at risk of prolonged exposure to poor working practices without being able to secure a swift remedy. This however could be overcome through the creation of a mechanism, such as a generic email inbox or a reporting tool, to enable residents to escalate concerns and submit photographic or video evidence. In doing so, information captured through this channel could also play an important role in supporting THH to monitor performance, and increase operating standards on sites.

Recommendation 4

Introduce a mechanism for residents to report health and safety concerns to THH using photos/videos.

Fire and gas safety

- 7.1 Whilst not formally part of the review, the Panel briefly explored how fire and gas safety was considered during the delivery of Major Works. Officers advised that under the requirements of the Construction Design and Management Regulations 2015, all sites would have to be appropriately surveyed to identify potential risks and appropriate mitigations. This would include taking into consideration factors such as working near boilers and gas supplies, the impact of scaffolding, fire escapes, site layout and access for emergency services.
- 7.2 In line with regulatory requirements, all tenanted properties receive an annual gas safety check and hold a valid certificate. This plays an important role in minimising the overall levels of risk on site. Although leaseholders are expected to carry out gas safety checks, there are insufficient powers to enforce this requirement. Leaseholders seeking to sublet are subject to different regulations. THH has however developed an offer in partnership with its provider of responsive repairs to extend the offer of gas safety checks to leaseholders at a reduced cost.
- 7.3 As part of its obligations under the Regulatory Reform (Fire Safety) Order 2005, THH has renewed all Fire Risk Assessments (FRAs) for its housing stock. Between June 2016 and July 2017 (prior to the tragic events at Grenfell Tower), 911 FRAs were carried out resulting in 12,000 actions being identified and prioritised on the basis of risk. Blocks deemed as high risk have received prioritised remedial works, with the remainder planned to be addressed as part of the Better Neighbourhoods Investment Programme.
- 7.4 The Panel noted that THH has a separate work stream to engage residents on issues related to fire safety. This includes working closely with resident groups to provide regular updates on the steps being taken to improve fire safety across its estates.
- 7.5 The Panel concluded its review by noting that its recommendations would be formally presented to the THH Board before being adopted. Once agreed, an action plan would be produced setting out how these recommendations would be implemented. A progress update would be offered to the Panel in 12 months.



Recommendation	Actions	Completion	Lead
<p>1 Improve how THH communicates with residents during Major Works by developing an information pack which includes:</p> <ul style="list-style-type: none"> a. A checklist of key information residents should receive about the project b. Project timelines and key contacts c. Health and safety standards to be observed on site d. The roles, responsibilities and accountabilities between THH and contractors during Major Works 	<p>Introduce a 'Contractors Charter' which sets out the standards of conduct for contractors to sign up to and follow on site. This will be displayed on site compounds and included in communication with residents</p> <p>Develop and distribute a residents 'handbook' that will provide residents information on project timelines, key contacts and the roles and responsibilities of THH and contractors</p> <p>Produce an internal checklist of key information for individual projects, which is to be shared with residents prior to the commencement of works</p> <p>Provide residents with clear information on pre and post inspection walkabouts clarifying its scope and those expected to be involved</p> <p>Introduce mechanisms and standards for capturing and reporting on issues raised during walkabouts and the planned actions, (including timelines where relevant) to all residents affected by a scheme</p>	<p>March 2019</p>	<p>Capital Programmes Delivery Manager</p>
<p>2 Explore how residents can be involved in supporting contract management arrangements</p>	<p>Explore with residents how they could be involved/ contribute to supporting contract management arrangements and pilot on small scale projects</p>	<p>March 2019</p>	<p>Capital Programmes Delivery Manager</p>

Tower Hamlets Homes Residents' Panel
Scrutiny Review Action Plan 2018-19
 Managing Health and Safety during Major Works


Recommendation	Actions	Completion	Lead	
3 Improve transparency by publishing key information online such as:	a. Information on duty holders, on-site facilities, risk assessments and environmental impact during Major Works (in line with the Construction and Design Management Regulations (CDM) 2015)	Share information covered under (a), (b) and (c) for each project on the THH website	March 2019	Capital Programmes Delivery Manager
	b. Publicising information on site visits conducted by THH staff	Introduce a 'Meet the Contractor' item on the residents' associations and tenants panel meeting agendas, for blocks undergoing or about to undergo capital works		
		On the longer term, develop a building information system that allows residents access to current and historical building safety documentation, fire risk assessments, systems maintenance records etc. This is an area that will be captured as part of the role of the 'Building Safety Manager' as proposed by the Hackitt Review. The role and full scope of responsibilities is under consideration by Government	March 2020 (Provisional)	Building Safety Manager (TBC)
		Develop an arrangement that allows residents, under agreed terms, to view health and safety documents in site offices	March 2020	Capital Programmes Delivery Manager
		Create a strategic resident led group drawn from the THH Board and existing involvement structures to oversee the delivery of fire safety works, and review the quality of communication sent to residents	March 2019	Scrutiny & Resident Feedback Manager
4 Introduce a mechanism for residents to report health and safety concerns to THH using photos/videos	Write a protocol, which defines scope of incidents, expected response, timelines etc., for building safety concerns reported by residents	March 2020	Head of Health and Safety	

Residents' Panel
**Managing Health and Safety
during Major Works**
Scrutiny Review Report
August 2018



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If you would like to help THH improve its services,
please get in touch by emailing us at scrutiny@thh.org.uk

