

Housing Management Checklist

Guidance for accommodation managers

Let's end homelessness together

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Introduction

What is the Housing Management Checklist?

Whether you are setting up a homelessness day centre, night shelter or hostel, or running one for the first time, there are many pieces of legislation and regulations that you will need to comply with. This can be overwhelming when first starting out, but all the information you need is out there on various websites.

This guide will help you to determine what you need and where to go to for information. All you need to do is answer the questions and follow the guidance.

Every section has a **Checkpoint** of suggested actions, to help you comply with the relevant legislation and/or regulations, along with good practice tips.

The regulations and legislation referred to within this guidance relate to services in England only.

What this Checklist doesn't do

This is not a management manual. You will still need to receive a full induction from your organisation and attend the appropriate training in accordance with your new management role.

Managing the Building

Question: managing a night shelters or hostel – is your property an HMO?

Houses in Multiple Occupation

It is possible that the building you are managing will be classed as a House in Multiple Occupation (HMO). If so, you will need to comply with the Management of Houses in Multiple Occupation (England) Regulations 2006:

www.legislation.gov.uk/ukxi/2006/372/contents/made

The definition of an HMO: England and Wales

A property rented out by at least 3 people who are not from one 'household' (for example a family) but share facilities such as the bathroom and/or kitchen.

Licences are required for HMO's in England or Wales if the following applies:

- 5 or more people live in the accommodation, who form more than 1 household
- Some or all tenants share toilet, bathroom or kitchen facilities
- At least 1 tenant pays rent (or their employer pays it for them)

The HMO Licence lasts for 5 years.

The main HMO regulations

These regulations are concerned with the good repair and maintenance of the following items (a non-exhaustive list):

- General Health and Safety of the building – maintaining an injury free environment
- Fire equipment and good signage
- Supply and maintain the water supply and drainage systems

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- Supply and maintain gas/electricity
- Maintenance of common parts, fixtures and fittings and appliances
- The living accommodation
- Waste Disposal and facilities.

HMO Exclusions

There are some exceptions which may exclude your accommodation from being an HMO, such as:

- The person managing or in control of the property is a registered social landlord
- The property is a care home
- Managed by educational establishments, the police or the army.

Checkpoint

Check with your council, and/or your landlord first if you don't own the property, to find out whether your accommodation is exempt from the HMO regulations. If not exempt, and not already registered as an HMO, you or your landlord must register and pay the appropriate fee. Your local council should also provide further guidance on hostels and shared accommodation, so do check their websites and follow the guidance.

Question: Do you own your building or lease your building from the property owner?

If so, you must ensure you are keeping the accommodation safe and free from health hazards, and as a minimum, comply with the Health and Safety Legislation (see the section on Health and Safety below).

Checkpoint

Check the lease agreement to ensure you understand your responsibilities, these may include all or some of the following:

- ✓ Make sure gas equipment is safely installed and maintained by a Gas Safe registered engineer
- ✓ Have a registered engineer carry out an annual gas safety check on each appliance and flue
- ✓ Ensure the electrical system and all appliances provided by your organisation are safe, for example sockets and light fittings, cookers and kettles etc
- ✓ Provide a smoke alarm on each storey and a carbon monoxide alarm in any room with a solid fuel burning appliance (i.e. coal fire or wood burning stove)
- ✓ Check there is obstacle free access to escape routes at all times
- ✓ Make sure the furniture and furnishings supplied are fire safe
- ✓ Provide fire alarms and extinguishers if the property is a large house in multiple occupation (HMO)
- ✓ Implement appropriate controls to minimise the risk of Legionella:

www.hse.gov.uk/legionnaires/resources.htm

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Question: Do you rent your building space from a landlord or owner of the accommodation?

Even if you don't own the property where you are providing your service, some of the day to day responsibilities – especially in relation to fire, health and safety and some aspects of maintenance – may still be your responsibility. It is important that you know what your responsibilities and the landlord's responsibilities are. These may already be defined within a Service Level Agreement (SLA) between your organisation and the landlord.

Checkpoint

- ✓ Check if an SLA is in place and review your responsibilities
- ✓ If the responsibilities with the document are not clear, then ask for a review of the SLA
- ✓ If there is no SLA in place, then request one from your landlord
- ✓ You may also be interested in Homeless Link's one-day course which explores the contractual relationship between landlord housing associations and the managing agent.

www.homeless.org.uk/introduction-to-agency-management

Question: Are you fully aware of your Health and Safety and Fire Safety responsibilities and do you have good practices in place?

Health and Safety

All services need to comply with the Health and Safety at Work Act 1974, this is the main piece of legislation that covers health and safety in the UK:

www.hse.gov.uk/legislation/hswa.htm

The Act places a general duty on employers to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all their employees plus a general duty to members of the visiting public.

Checkpoint

- ✓ Check whether this is a comprehensive Health and Safety Policy and Procedure Guide in place specific to your service. This should clearly define the employers and employees' responsibilities
- ✓ If you need to implement a Health and Safety Policy document, the guidance below is an excellent starting point: www.hse.gov.uk/toolbox/managing/writing.htm

For further information on your legal responsibilities refer to the Health and Safety Executive's Health and Safety Made Simple Guide in the following link: www.hse.gov.uk/pubns/indg449.htm

Fire Safety: All services

All services must have robust practices in place to minimise the risk of a fire and know what to do in the case of a fire. The Regulatory Reform (Fire Safety) Order 2005 covers general fire safety in England and Wales.

Checkpoint

Check that all the following are in place:

- ✓ You have the relevant fire equipment for the size and type of building – get advice from your local fire brigade
- ✓ Annual servicing of fire equipment
- ✓ Good signage to all fire exits
- ✓ Include fire within your annual health and safety risk assessment

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- ✓ Staff and service users are trained on what to do in case of fire
- ✓ The Health and Safety Executive provides guidance on how to ensure you are complying with the legislation and regulations above:

www.hse.gov.uk/toolbox/fire.htm

Question: Are you aware of the enforcement action that local authorities can take if you are non-compliant with Health and Safety Legislation?

Health and Safety Enforcement in England and Wales

The Housing Act 2004 (England and Wales) Introduced the Housing Health and Safety Rating System (HHSRS), a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. The HHSRS is capable of assessing 29 categories of housing hazard under the following headings:

- Physiological requirements
- Psychological requirements
- Protection against infection
- Protection against accidents

Once a hazard has been reported to the local authority, depending on the hazard rating following an inspection, the local authority has powers to undertake enforcement action either by serving an improvement notice or by serving a prohibition order that can require you to close all or part of the building.

Guidance is provided specifically for non-specialists and/or private landlords, to help them understand the requirements under the Housing Act 2004 in relation to the HHSRS and help identify the type of work that is needed on their properties to conform with the HHSRS.

www.gov.uk/government/publications/housing-health-and-safety-rating-system-guidance-for-landlords-and-property-related-professionals

https://england.shelter.org.uk/housing_advice/repairs/health_and_safety_standards_for_rented_homes_hhsrs

Checkpoint

- ✓ Read up on the standards and take the relevant action to ensure that your service is fully protected against potential risks and hazards.

Occupancy Agreements – Hostel Managers only

Question: Are you issuing the correct occupancy agreements for your service?

Occupants of temporary hostel accommodation should be issued with Licence Agreements. Licences are contracts that gives the licensee (the person occupying the accommodation) the right to stay in the room or property under certain circumstances, for example the occupancy may be conditional on engaging with your support service. There are two different types of licences that can be used: excluded licences and secure licences. Excluded licensees have less security of tenure than secure licences.

Licence Agreements should include:

- The address and details of the accommodation, including shared areas and furniture
- The landlord or letting agent and their contact details
- The licence fee
- The landlord's responsibilities.
- The licensee's responsibilities, which may include clauses about anti-social behaviour, drug use and allowing the landlord access to carry out repairs when necessary
- Details of how the landlord or letting agent can end the licence agreement.

Checkpoint

For guidance on issuing the right type of licence agreement for your service follow the link below:
http://england.shelter.org.uk/legal/security_of_tenure/public_sector_licences/secure_licences

Question: What housing management procedures should you have in place?

There are a number of housing management procedures that you will need to have in place for the essential running of your service and these need to be made available to your staff, volunteers and service users so that the procedures are fully understood and complied with. Procedures include (not an exhaustive list):

- Lettings Procedure: including eligibility criteria and application process
- Licence Termination Procedure: to guide staff on how to end licences correctly. It should also cover the procedure for evictions and under what circumstances evictions can take place
- Repairs and Maintenance Procedures: to include day to day and cyclical repairs required for your service (this may be provided by your landlord if you do not own the property – but you may be responsible for some repairs and maintenance)
- House Rules/Residents Charter: code of conduct for service users. It is good practice to design house rules or a charter in collaboration with your service users and staff teams.

Checkpoint

- ✓ If you are the managing agent, check the Service Level Agreement with your landlord and ensure you have the right procedures in place covering your housing management responsibilities
- ✓ If you are starting from scratch, don't reinvent the wheel. There are a large number of hostel providers who already have a large suite of housing management procedures. Contact your local hostel providers and ask if they will send you templates that you can use to develop your own bespoke procedures.

You might also be interested in Homeless Link's consultancy services. We can also provide you with templates to help you develop your own procedures: www.homeless.org.uk/products/consultancy

Safeguarding people in your service

Question: Are you aware of your safeguarding responsibilities?

Whatever service you are providing, you have a responsibility to ensure that the people you are supporting are protected from the risk of abuse. These obligations are contained within the Care Act 2014 for adults, and the Children Act 2004 – the latter applies if you are working with or you come across children in the day to day operations of your service.

Checkpoint

In order to comply with the legislation, you should have the following in place:

- ✓ A good understand of your safeguarding responsibilities which can be found in the following:
www.scie.org.uk/safeguarding/adults/introduction/highlights
www.gov.uk/topic/schools-colleges-childrens-services/safeguarding-children
www.homeless.org.uk/our-work/resources/guidance-on-safeguarding-vulnerable-adults
- ✓ All staff and volunteers are inducted and trained in Safeguarding Adults and Children
- ✓ There is a good level of information around your service so that your service users understand what is meant by abuse and who to go to if they feel that they are at risk of are being abused in any way
- ✓ Safe recruitment procedures are in place regarding references and Disclosure and Barring checks (DBS). This means obtaining references prior to a person commencing their employment, one of which should be from a previous employer.
- ✓ All staff who are working with children and/or vulnerable adults should be DBS checked. There are three types of DBS checks i.e. standard, enhanced and enhanced with list check. Check the appropriate DBS application you need to make for your organisation by contacting the DBS directly.
- ✓ Check whether your local authority provides free training on Safeguarding Adults and Child Protection
- ✓ You may also be interested in Homeless Link training courses on Professional Boundaries and Safeguarding Vulnerable Adults

Further information can be found at: www.gov.uk/government/organisations/disclosure-and-barring-service .

Safeguarding Good Practice Tips

It is also good practice to have the following practices/procedures in place:

- A safeguarding lead within your organisation. This is a person who has specialist knowledge and can provide advice and guidance to volunteers and staff. This role is normally undertaken by the service manager or more senior manager
- A written exclusion policy and procedure guide: a policy that ensures you have good practices in place to exclude service users or guests who are perpetrators of abuse or putting staff and service users at risk of abuse
- Good risk assessment procedures, to identify, minimise and manage any potential risks presented by current and/or future service users. This does not mean completely excluding people from your service if they deem to be high risk. Rather, it makes sure that you have good support in place to help people manage their own risks
- A 'code of conduct' and agreement on an organisations staff, volunteers and board member's rules of behaviour. It should include (not exhaustive list): giving and receiving of gifts, how to represent the organisation externally, and how to work professionally with service users and colleagues. This will help to establish and implement good boundaries with service users, and between staff and volunteers.

Catering

Question: Do you prepare, cook, store, handle, distribute, supply or sell food?

If so, you are classified as a food business, even if the food is not kept at your day centre or night shelter or hostel, you will need to apply for a food business licence. You must register for a licence 28 days prior to opening and there are fines for non-registration.

You will then be subject to an inspection by your local authority environmental health department. They are responsible for inspecting your catering service to ensure that the standards of the Food Standards Agency are complied with and they will rate you in accordance with the Food Hygiene Rating Scheme. It is therefore extremely important to be prepared.

CHECKPOINT

- ✓ Read up on what you need to do to comply on the webpages below:

<https://ratings.food.gov.uk>

www.food.gov.uk/business-guidance/starting-a-food-business

Data Protection

Question: Are you complying with current data protection legislation and regulations?

Whatever service you are running, you have a duty to keep an individual's personal data safe and to share it with other organisations, where needed and required, responsibly. Personal data is defined as follows:

“any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person”

General Data Protection Regulations 2018

The relevant legislation and regulations are the Data Protection Act 2018 and the General Data Protection Regulations 2018. Full details can be found on the following web pages:

www.gov.uk/data-protection

www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation

If you are holding personal data about staff, volunteers or service users electronically you are required to register with the Information Commissioner's Office:

<https://ico.org.uk/for-organisations/data-protection-fee/>

Non-payment of the fee could result in a large fine.

CHECKPOINT

- ✓ In order to comply with the legislation, follow the guidance in the following link:

<https://ico.org.uk/for-organisations/guide-to-data-protection>

Diversity

Question: Are you fully compliant with the Equalities Legislation?

The Equality Act came into law in 2010 and brought over 116 pieces of anti-discriminatory legislation together into one place. It provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.

The Act covers several different types of discrimination including:

- Direct discrimination: discrimination of a protected characteristic
- Discrimination by association: experiences of discrimination because of an association with someone who has a protected characteristic
- Discrimination because of a perception that you have a particular protected characteristic
- Discrimination arising out of disability as opposed to the disability itself
- Indirect discrimination: applying what looks like a general policy for everyone but will inadvertently disadvantage people with a particular protected characteristic

Protected characteristics are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Checkpoint

- ✓ To ensure that you are fully complying with the Equality Act, follow the guidance in the link below: www.equalityhumanrights.com/en/advice-and-guidance/equality-act-guidance
This document covers guidance for employers and service providers in relation to a range of topics including pay, recruitment, and HR policies and procedures, as well as rights for employees and people using third sector and charitable services.

Managing Staff and Volunteers

Question: Are you clear about your role and skills as a manager?

Good leadership and management are key to delivering a quality service and retaining highly skilled and motivated staff. There is a wealth of guidance and training on motivational leadership and management skills. The following is a guide developed by ACAS for first time managers, or as a refresh for existing managers:

<https://archive.acas.org.uk/managingpeople>

Homeless Link provides a range of training events and webinars that you may be interested in including:

- Communication and Influencing Skills
- Staff Supervision Skills
- Reflective Practice for Managers

For more information on the courses mentioned in this checklist: www.homeless.org.uk/events/training

Appendix 1: Glossary of Terms

- **DBS:** Disclosure and Barring Service – is a non-departmental body of the Home Office providing a service that helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable adults and children
- **HMO:** Houses in Multiple Occupancy – refers to residential properties where 'common areas' exist and are shared by more than one household. Most HMOs have been subdivided from larger houses designed for and occupied by one family
- **HHSRS:** The housing health and safety rating system – a risk-based evaluation tool to help local authorities in England and Wales identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings
- **FSA:** Food Standards Agency – is responsible for food safety and food hygiene in England, Wales and Northern Ireland. It works with local authorities to enforce food safety regulations
- **ICO:** Information Commissioners Office – the UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals
- **SLA:** Service Level Agreement – an agreement between a managing agent and a landlord defining key maintenance and health and safety responsibilities of each organisations
- **Definition of Vulnerable Adult:** as defined by the Care Act 2014, is a person who “has needs for care and support (whether or not the local authority is meeting any of those needs) and; is experiencing, or at risk of, abuse or neglect; and; as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect”



What we do

Homeless Link is the national membership charity for frontline homelessness services. We work to improve services through research, guidance and learning, and campaign for policy change that will ensure everyone has a place to call home and the support they need to keep it.

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