

The Housing, Health and Safety Rating System

What is the Housing Health and Safety Rating System (HHSRS)?

The Housing Act 2004 introduced a new way in which Councils assess housing conditions. It uses a risk assessment approach, the aim of which is to provide a system to enable risks from health and safety hazards to be removed or minimised.

How is the system applied?

Councils have a duty to keep the housing conditions in their area under review. Either as a result of that review, or for some other reason such as a complaint from a tenant, an inspection can be undertaken to assess if a health and safety hazard exists. If a hazard exists, an assessment using the methodology in the HHSRS Regulations will be undertaken to reach a score for the hazard.

The powers available to Councils include enforcement measures to remedy hazards that exist. Councils have a duty to deal with category 1 hazards (a score of 1000 or more), and discretion to deal with category 2 hazards (a score of less than 1000).

What are the principles of the system?

The HHSRS provides a method of grading the severity of threats to health and safety in any dwelling.

The key principle of the system is that a dwelling, including the structure and associated outbuildings and garden, and means of access, should provide a safe and healthy environment for the occupants and, by implication, for any visitors.

The inspection process is a risk based assessment and considers the effect of any 'hazards' in the property. Hazards are rated according to how serious they are and the effect they are having, or could have, on the occupants, that is, 'the effect of the defect'. The basic principle is that the property should be safe for occupation.

The system also provides a means of comparing the risks associated with different types of hazard. Some are slow and insidious in their effect, like dampness and cold, whilst others are quick, such as falls. Some hazards are more likely to result in death (such as carbon monoxide); others are very unlikely to cause death e.g. noise or poor layout of amenities.

It should be borne in mind that all properties contain hazards, for example stairs, electrical outlets etc. and it is not possible (or desirable) to remove all hazards. The emphasis is to minimise the risk to health and safety as far as possible either by removing the hazard altogether or minimising the effect as appropriate.

What are the hazards?

The system can deal with 29 hazards summarised as follows:

- Dampness, excess cold/heat
- Pollutants e.g. asbestos, carbon monoxide, lead
- Lack of space, security or lighting, or excessive noise
- Poor hygiene, sanitation, water supply
- Accidents – falls, electric shocks, fires, burns, scalds
- Collisions, explosions, structural collapse

How are assessments made?

The assessment process is not just a question of spotting defects, but is all about risk assessment, outcomes and effects.

When an inspector finds a hazard, two key tests are applied – what is the likelihood of a dangerous occurrence as a result of this hazard and if there were such an occurrence, what would be the likely outcome?

For example a staircase that had a broken stair would represent a serious hazard in that an occupant could trip or fall down the stairs. However a broken stair at the top of the staircase would obviously be more dangerous than one at the bottom. If for example, a glass door was situated near the bottom of the staircase that would increase the potential severity of the outcome even more.

Dwellings are assessed against the average for the type and age of building. The inspector also judges whether the condition of the property increases or lowers the likelihood of an occurrence. The system provides information about the characteristics of average dwellings, as a basis for inspectors' own assessments of the conditions they find.

Where a hazard is designated as particularly relevant to people in a vulnerable age group, hazards are assessed according to their likely impact on that group. 'Vulnerable' here usually means children and the elderly. For example, widely spaced balusters (spindles) on a staircase could be a hazard for a child who could squeeze through and fall down the stairs. Similarly a winding staircase with no handrail could be a hazard for an elderly person. Some hazards are specific to certain age groups and others affect all ages.

The action that needs to be taken to deal with a hazard in a premises may be influenced by who is in occupation. Once a property has been made safe for the most vulnerable, it should be safe for all.

An inspector judges the likelihood of an occurrence (such as an accident) over the next 12 months, which could result in harm to a member of the vulnerable age group. An accident in which an occupant could fall down the stairs is classified as an occurrence.

After this, the inspector makes the second judgement, that of the possible harm, which could result from an occurrence. There are four harm outcomes.

Class 1 – extreme

Class 2 - severe

Class 3 – serious

Class 4 – moderate

Hazard score = the likelihood of an occurrence x severity of likely harm caused

The hazard scores are divided into ten bands (A to J); band A is the most serious and J the least serious. Hazards, which fall into bands A to C, are category 1 hazards and those in bands D to J are category 2 hazards.

In simple terms, the greater the risk (likelihood), or more serious the outcome, the higher the hazards score. An example would be a gas water heater leaking carbon monoxide - the likelihood is high and the outcome could be death.

How will the system be enforced?

Reigate and Banstead Borough Council is obliged to deal with poor housing conditions in their area. The hazard score does not dictate the action to be taken but the council has a duty to take some action in respect of category 1 hazards in a property, and a power to take action to deal with category 2 hazards.

The aim of the intervention is to make the dwelling safer for occupation by reducing or removal of the hazard. The choice of enforcement will be a judgement as to whether the hazard(s) can be reduced or removed entirely, how they might be removed or reduced and, if they cannot, what other action is necessary. In making this judgement the council will take account of the vulnerability of the current occupants.

The courses of action available to the council are to:

- Serve an improvement notice, requiring remedial action to remedy or reduce the hazard within a set time period.
- Make a prohibition order, prohibiting the use of the premises, or any part of it, for any purpose, except one approved by the council.
- Serve a hazard awareness notice, which advises the owner of the hazard concerned and the appropriate action to deal with it. It is purely advisory.
- Make a demolition order. (not available for category 2 hazards).
- Declare a clearance area. (not available for category 2 hazards).
- Take emergency remedial action or emergency prohibition for category 1 hazards where there is an imminent risk of serious harm.

What are the grounds of appeal?

An owner or agent who has an improvement notice or prohibition order served on them can appeal the notice to the Residential Property Tribunal, normally within 21 days. Their website is <http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/residential-property/index.htm>

There are no restrictions on the ground of appeal but the main grounds are likely to be that:

- The deficiency referred to in the notice does not amount to a hazard;
- Someone else is responsible for carrying out works at the property; and/or
- The works required in the notice are unreasonable and alternative works should be considered.

If a notice is not complied with within the time allowed, the owner or agent may be prosecuted and the council may also undertake the required works in default and recover their expenses. The maximum fine on conviction is £5,000.

For detailed information please see the Department for Communities and Local Government website www.communities.gov.uk.

If you require any more information or help please contact Housing and Pollution on 01737 276423: write to Housing and Pollution, Town Hall, Castlefield Road, Reigate, Surrey, RH2 0SH or email: privatesectorhousing@reigate-banstead.gov.uk.