



# Housing Health and Safety Rating System Scoping Review

CIEH submission

February 2019

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CIEH is the professional voice for environmental health representing over 8,000 members working in the public, private and non-profit sectors. It ensures the highest standards of professional competence in its members, in the belief that through environmental health action people's health can be improved.

Environmental health has an important and unique contribution to make to improving public health and reducing health inequalities. CIEH campaigns to ensure that government policy addresses the needs of communities and business in achieving and maintaining improvements to health and health protection.

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## Context

CIEH has carried out extensive engagement with environmental health professionals on the future of the Housing Health and Safety Rating System (HHSRS). Our first survey was published in December 2017 and the report is available [here](#). In preparation for the HHSRS scoping review, we have carried out a second survey to gather more detail on which parts of the Rating System and its application are currently not working well. There were 120 responses in total (76 complete and 44 incomplete). Between November and January, we also gathered views on HHSRS at 4 separate events, including from 115 housing environmental health professionals (EHPs) at an East Midlands Councils conference. Comments from this exercise have been included in this submission.

We see HHSRS and its review being only one part of the package of measures needed to ensure an improvement in the quality and condition of homes in the private rented sector. We believe that the following policies should be implemented to ensure that housing issues are tackled strategically:

- Introduction of England-wide registration or licensing scheme for all privately rented properties,
- Professionalisation and regulation of property managing agents
- Allocation of adequate resources at a local authority level

## What would CIEH want to see in an update of HHSRS?

- Our first survey in 2017 found overwhelming support (97%) for an update of the Rating System. In particular, updates of the underlying statistics, official guidance documents and worked examples were suggested.
- Our second survey of the profession has found that whilst support for HHSRS is still high (71%), there is also significant interest in minimum standards for housing (81%). We would therefore suggest that a combination of both a risk rating system and minimum standards could work well, if these are both designed appropriately.
- Detailed analysis is required to ensure that minimum standards are not set too low, so that these can provide a meaningful standard of housing for tenants. Standards should only be set for areas where this is appropriate and useful for enforcement. Whilst a segment of the profession is interested in a system that is only based on minimum standards (19%), most of the professionals we surveyed value the risk-rating approach of HHSRS, as this system is flexible enough to deal with a variety of building types and problems.
- As part of our survey we wanted to find out if there were any hazards that EHPs found difficult to take enforcement action on and to compare these to the most common types of complaints they received from tenants. We found that damp and mould featured very high on both lists, as well as excess cold, domestic hygiene, electrical and fire safety. These could be areas where some minimum standards could be useful for enforcement. However, we would suggest that minimum standards do not necessarily

need to replace any hazards. This is because, minimum standards usually do not cover the whole hazard rating (see Appendix for more detail on how existing minimum standards interact with the rating system).

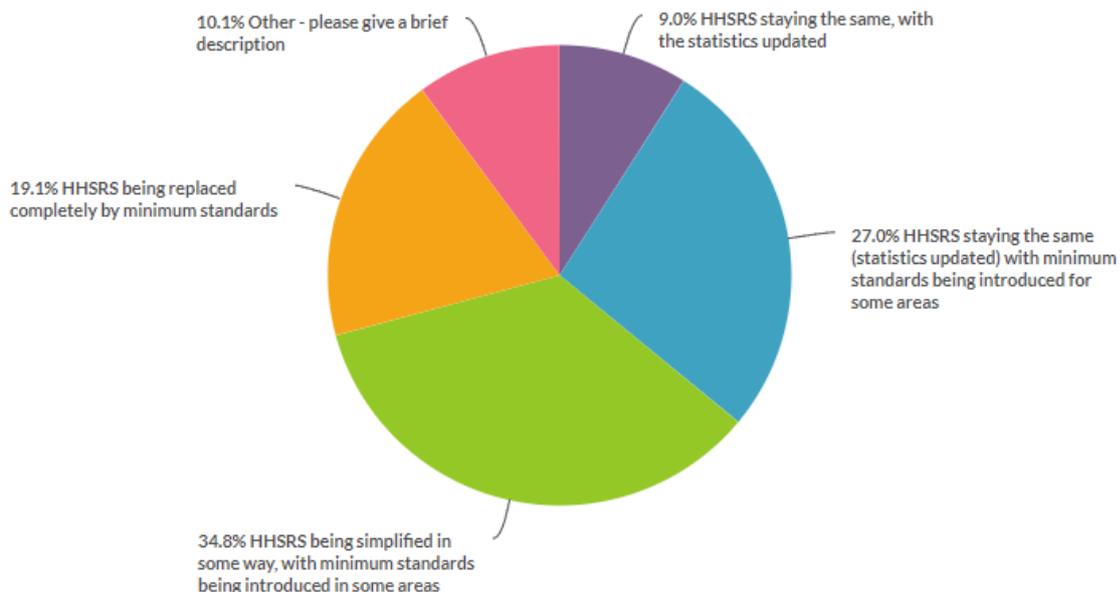
- Introducing some minimum standards in some of the areas may help bridge the gap between a purely risk-assessment methodology and the more prescriptive standards in the Homes (Fitness for Human Habitation) Act 2018. However, we are keen that the right minimum standards are set to make enforcement easier and faster in some of the more common problems faced by tenants and enforcement teams. Minimum standards could also be useful in clarifying some of the 'grey' areas that are currently difficult to deal with.
- We also asked EHPs about which areas minimum standards could be introduced in. Our survey data suggests that minimum standards could be useful in the following areas:
  - Damp and mould
  - Crowding and space
  - Excess cold
  - Disrepair
  - Food safety, personal and domestic hygiene
  - Fire safety
  - Some hazards could also work better as standards, where the absence of something is the ideal – for example in the case of carbon monoxide or lead.
- The management of a property is just as important as the presence of defects at a moment in time. Poor management of a property could also result in health and wellbeing impacts on the occupier. Consideration should be given to how HHSRS could be used when there are lots of smaller issues, which individually, do not score very highly when HHSRS is used. 14% of EHPs taking our second survey have told us that they found it difficult to deal with general disrepair when they encountered this at certain properties. Several respondents suggested that management regulations, similar to those used for Houses in Multiple Occupation, could help to tackle these types of issues.
- Furthermore, 82.9% of respondents to our survey wanted to see more specific national guidance on how many category 2 hazards should trigger formal action.
- There was some interest in reducing the overall number of hazards used in the HHSRS to make the process of scoring and taking enforcement action simpler and more streamlined. to take account of the smaller resources available to local authorities today. We asked a specific question on whether the total number of hazards should be reduced, with 65.8% favouring this approach.

- There was no clear consensus on whether HHSRS should be simplified. This is probably better explored through the engagement events planned as part of the Scoping Review. Our survey results show similar proportions of respondents wanted to simplify HHSRS as those who wanted to keep it as it is (34.8% vs. 36.0%).
- A majority of respondents (65.8%) wanted to see HHSRS take account of mental health effects as well as physical effects of a property. Some hazards were particularly seen as affecting mental health and wellbeing, including living space and crowding, dampness and mould, natural light, noise and fire.

## Detailed survey results

### 1. Preferred option for the update of HHSRS

- 4 in 5 (81%) expressed a preference for more minimum standards
- 71% expressed a preference for keeping HHSRS
- 62% wanted a combination of HHSRS and minimum standards
- Similar proportion of respondents wanted to keep HHSRS as it is compared to those who wanted to simplify it (36% vs 35%)
- 1 in 5 (19%) wanted to replace HHSRS completely with minimum standards
- 89 respondents answered this question.



### 2. Which hazards score too low for enforcement action?

Whilst it is technically possible to take formal enforcement action on any hazards identified under HHSRS, in practice, local authorities prioritise formal action only

for the most serious hazards. We asked EHPs whether they could describe a situation where they wanted to resolve a housing issue but the HHSRS score did not allow them to do so. For example, where the conditions have to be extreme to get a category 1 or a high scoring category 2 hazard. This question was intended to get a sense of the areas, where EHPs felt there may be a mismatch between issues where action should be taken but HHSRS and/or local enforcement policy did not allow them to do this. 74 responses were recorded in response to this question.

The top 4 were:

- damp and mould (including ventilation\*) – 32%
- fire – 23%
- food safety standards/domestic hygiene – 14%
- disrepair\* - 14%

Other areas raised by 4-10% of respondents:

- personal hygiene/ protection against infection
- structural collapse/movement
- broken/rotten windows\*
- external decorations\*
- natural light\*
- entry by intruders
- electrical safety
- noise (including vibration)
- excess cold
- crowding and space
- lack of a vulnerable actual occupier (enforcement guidance)\*

### **3. Which issues do tenants complain about most often?**

We asked EHPs about the types of complaints they receive most often from tenants. We were particularly interested to see which issues overlap with the areas EHPs felt they could not deal with effectively, due to the low scores generated when using HHSRS.

277 issues were mentioned in the responses. We have used this as the total for the percentages below.

The top issues were:

- Damp and mould (inc ventilation) - 26%
- Excess cold (inc heating costs) - 22%
- Electrical - 10%

A number of other issues were also reported commonly (4-9%):

- Fire risk - 9%
- Crowding and space - 9%

- Domestic hygiene, pests and refuse - (many instances are pests related but this is not dealt with using HHSRS or HA2004) - 7%
- Falls – 5%
- Personal hygiene, sanitation and drainage (inc hot water) - 4%

#### **4. Minimum standards**

We asked EHPs about which areas might benefit from the setting of minimum standards. 75 EHPs responded to this question with a range of suggestions.

The top suggestions were:

- Fire safety – 47%
- Excess cold (heating and insulation) – 40%
- Crowding & space – 35%
- Electrical hazards – 24% ^
- Damp & mould – 20%
- Food safety – 12%
- Lighting – 12%
- ALL (hazards to be turned into minimum standards) – 11%
- Falls between levels – 11%

Other areas raised by 4-10% of EHPs:

- Noise
- Falls on stairs
- NONE
- Excess heat
- Personal hygiene
- Carbon monoxide
- Asbestos
- Entry by intruders
- (Hot) water supply\*
- Kitchen and bathroom facilities\*
- Ventilation\*

**The list below is a selection of suggestions received via the recent survey and engagement events:**

- Hot (specified minimum temperature) and cold running water at all sinks, wash hand basins, baths and showers.
- A property should be free from leaks and penetrating damp.
- Mechanical ventilation should be installed in kitchens and bathrooms, to prevent damp and mould.
- All bedrooms should have access to natural light and adequate ventilation to prevent excess heat.
- Provision of handrails and lighting in stairwells, to prevent falls.
- All C1 or C2 hazards to be addressed from the EICR (electrical safety report)

- Specified minimum number of electrical sockets per room by type of room, to prevent dangerous overloading.
- Minimum total space standard for self-contained flats.
- No broken glazing or defective windows as a minimum standard.
- Housing should be free from dangerous or toxic substances, where there could reasonably be exposure in the course of normal use of the property.

Other comments received:

<b>Fire</b>	<ul style="list-style-type: none"> <li>• HHSRS should refer to LACORS standard.</li> <li>• There should be minimum fire safety precautions for all dwellings. Officers can then ask for further precautions depending on size, layout and occupation of property.</li> <li>• Landlords often install a lower standard of fire alarm in HMOs and the score using HHSRS is reduced to a Category 2. This is unfair on landlords who install the correct type of alarm system and a way some landlords get around installing the correct alarm system.</li> <li>• A minimum standard by property type and property tenure would help enforcement.</li> </ul>
<b>Excess cold</b>	<ul style="list-style-type: none"> <li>• Excess cold is recognised as being one of the more complicated hazards to assess.</li> <li>• HHSRS guidance should clarify what constitutes affordable heating for tenants (for example, when it is acceptable to enforce for the replacement of expensive electric heating systems)</li> <li>• Minimum standards for temperature to be achieved, adequate heating per room and for presence of thermal insulation levels for the property. Guidance should include specified insulation depths, types of heating systems which would be considered acceptable as well as provisions for ventilation when assessing excess cold and damp and mould hazards.</li> </ul>
<b>Crowding and space</b>	<ul style="list-style-type: none"> <li>• Some comments called for changes to the Housing Act 1985 Part X and Crowding and Space (single occupation) with minimum useable floor areas for single and double bedrooms, kitchens and living rooms.</li> <li>• Space standards should be set for self-contained flats as well as for HMOs. EHPs are seeing many over-developed properties with inadequate space for daily living (including head height, lighting and ventilation). The new bedroom standard is only a start - needs more guidance on other forms of accommodation that can then be risk assessed in line with the new NDSS - this identifies new minimum requirements such as 37sqM for a self-contained unit.</li> <li>• Minimum room sizes for bedrooms, lounges etc. for specified numbers of persons.</li> <li>• Any minimum standard would benefit from specifying a standard and consistent methodology for what would be included and excluded (ceiling heights, chimney breasts, door opening arcs etc) AND from making a statement that this would be applicable for all occupancies and not (for</li> </ul>

	example) be relaxed for any particular type of tenancy, such as students.
<b>Gas safety</b>	<ul style="list-style-type: none"> <li>Enforcement of gas safety in PRS sits with the Health and Safety Executive, yet HSE are not always able or interested in enforcing this.</li> </ul>
<b>Noise</b>	<ul style="list-style-type: none"> <li>The guidance should be revised to clarify what the "typical" separating wall and floor construction should be so that practitioners have something practical to compare national averages against. It is understood that it wasn't until summer 1992 that a building converted into flats had to comply with requirements under the Building Regulations and this has had a major impact upon how the national averages have had to be interpreted.</li> </ul>
<b>Falls between levels</b>	<ul style="list-style-type: none"> <li>Minimum window sill heights, guarding heights, and maximum height of a raised surface (e.g. a lawn) before guarding is required for assessing falls between levels.</li> </ul>
<b>CO</b>	<ul style="list-style-type: none"> <li>Regulations covering CO alarms should align with HHSRS assessments.</li> </ul>
<b>Food safety</b>	<ul style="list-style-type: none"> <li>Defined set of kitchen provisions</li> <li>Minimum kitchen sizes and standards for assessing Food Safety and Flames and Hot Surfaces</li> </ul>
<b>No minimum standards should be introduced</b>	<ul style="list-style-type: none"> <li>There were some reservations expressed by some EHPs.</li> <li>Very difficult as requirements are property specific and dependent on occupation. Great care must be taken as one does not want to set precedent and in effect set a maximum standard (as viewed by landlords). Each hazard has too many associated deficiencies which may offset each other. Further ideal standards could be clarified where building regulations do not assist. A range of building element specific standards could be set however these may go out of date and require frequent review and update.</li> </ul>

## 5. Combining several hazards together

The response rate to this question was slightly lower (59 suggestions in total) and a number of respondents said that no hazards should be combined. Whilst there was no *strong* consensus on whether it would be a good idea to combine several hazards together, we ask the research team to consider whether combining some hazards is feasible.

Some respondents also suggested to us that for certain hazards involving the presence of toxic substances, it is the absence of exposure to these substances that should be the norm. These types of hazards might therefore work better as standards.

The following were chosen most often:

- All falls hazards should be combined - 31%

- Excess cold/heat/damp & mould/ventilation hazards should be combined - 24%
- No hazards should be combined - 24%
- Gases and toxic substances - 17% (However, there were many combinations of these but no one favoured list)
- Domestic/personal/water/food safety - 9%

## **6. Enforcement of category 2 hazards**

We asked EHPs about whether national enforcement guidance should be clearer on the duties of local authorities with regards to category 2 hazards – in particular, whether a number of category 2 hazards should trigger enforcement action in the same way as category 1 hazards.

- This suggestion had a strong level of support from professionals: 83% agreed with this approach and 17% disagreed.

## **7. Mental health considerations**

It is understood that some aspects of dwellings will have an impact on the occupier's mental health and wellbeing. However, HHSRS has been based primarily on physical health data, thus hazards affecting mental health tend not to score very highly during the assessment. We asked EHPs whether mental health and wellbeing should make up a bigger part of the HHSRS assessment.

- 66% agreed that mental health should be included as part of a HHSRS assessment whilst 34% disagreed.
- There were some hazards where mental health issues are particularly relevant. These include: Space and crowding, damp and mould, natural light, noise and fire safety. General disrepair and poor management of a property was also highlighted as having an impact on mental health and wellbeing of the occupier.

Many comments were received when we asked for further details of how mental health could be included as part of the HHSRS assessment.

- Most respondents felt that this needed to be done by identifying relevant hazards and collecting some evidence to amend HHSRS statistics and calculations.
- Some comments specifically mentioned the 12-month cut off in a HHSRS assessment and that mental health issues, which are measurable, probably develop much more slowly.
- Introducing management regulations for all rented properties was felt to be a possible lever to ensuring that the stress of living with disrepair and long delays to repairs could be alleviated.
- A couple of comments cautioned against making HHSRS even more complicated by including mental health.

## **8. Other suggestions and ideas presented to us during our engagement events**

There were many more ideas presented to us during our engagement events which we include below:

- Housing risk rating tool should be made simpler to use – modelled on the food hygiene rating scheme.
- Categories of harm could be redesigned along the lines of those used in civil penalties. Likelihoods could also be replaced with wording such as (very likely, quite likely, not likely, etc) to make assessments easier.
- HHSRS needs to apply to non-standard accommodation, including caravans and boats. It is recognised that this is a problem with the definition of building in the Housing Act 2004 and not with the scoring system itself.
- National registration or licensing of landlords should be a key part of future housing regulation. Anyone managing rented property should be required to go on a training course.
- More worked examples from local authorities should be brought together in a public place.
- The design of a standard software package for all LAs to use was seen as potentially useful, as long as this was available for free to local authorities. An app could also be developed for tenants to help them assess their housing, with examples of ideal standards
- There is a lack of alignment between HHSRS and building control regulations. All building control regulations should be brought to the same level as HHSRS and any loopholes should be closed so that the health of the occupier is protected in all types of buildings and extensions.
- HMO-style management standards should apply to all PRS properties.

### **Key:**

\* not current HHSRS hazards

^ some of the answers were collected before the final Govt announcement on electrical safety checks

## **Appendix: Current minimum standards and how these interact with HHSRS**

### **The Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

require all PRS properties to have smoke detectors installed and CO detectors for properties with solid fuel burning appliances.

How does this standard interact with HHSRS? These regulations do not replace or directly compete with HHSRs fire safety hazard. They are an additional safety measure. The risk rating is scored by taking into account other factors such as the means of escape and compartmentalisation of rooms, which affect the risk of harm in the event of a fire.

Is it possible to get a Category 1 hazard in a dwelling that fully complied with these regulations? Yes, other factors could affect the likelihood and risk of harm from fire to the occupier.

### **Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015**

require all rented properties to reach a minimum energy efficiency rating of Band E, as long as £3,500 has been appropriately spent by the landlord to improve the energy efficiency of the property (this is how these regulations will be amended in 2019).

How does this standard interact with HHSRS? These regulations do not act as a normal minimum standard as they are limited by a cost-cap for the landlord. A HHSRS assessment would look at the presence of excess cold at a property, regardless of the energy efficiency rating, as the focus would be the impact on the health of the occupier rather than the cost limit to the landlord.

Is it possible to get a Category 1 hazard in a dwelling that fully complied with these regulations? Yes, a property in an energy efficiency Band E could still have an excess cold hazard.

**Electrical safety checks for PRS**, which are due to be introduced shortly, would require landlords to obtain electrical checks on their rented properties every 5 years.

How does this standard interact with HHSRS? Electrical safety is not always visible during a routine and non-invasive HHSRS assessment. Unless live wires are visible or heavily overloaded sockets are present, an EHP may not be able to uncover a defect with the electrical safety at a property.

Is it possible to get a Category 1 hazard in a dwelling that fully complied with these regulations? Yes, if new installations are made or tampered with, or a fault occurs between tests.