

DIRECTORATE OF ESTATES AND FACILITIES

PROCEDURE AND INFORMATION MANUAL

EPM HS15 – ESTATE OWNERSHIP AND OCCUPANCY – STATUTORY COMPLIANCE POLICY

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1.0 Introduction

This policy document outlines the University's approach to achieving statutory compliance in all key aspects of building ownership and occupancy. It outlines the strategy for delivery of the appropriate standards and the associated recurrent investment requirements. Furthermore it lays out approaches to survey, interpretation of legislation and other statutory instruments, specific business consideration for the organisation and its subsequent operational requirements. Finally it outlines the processes and systems in place to ensure appropriate standards of workmanship are received.

2.1 Principal legislation

2.2 Health and safety at Work etc. Act (HASAWA) 1974

The work of the Directorate of Estates and Facilities (DOEF) is covered by the provisions of the Health and Safety at Work etc Act 1974 and its subordinate legislation (notably the Management of Health and Safety at Work Regulations 1999) which requires health and safety to be managed effectively.

The DOEF will ensure that adequate health and safety arrangements are in place for the effective planning, organisation, control, monitoring and review of the preventative and protective measures as required by health and safety legislation.

The Health and Safety at Work Act 1974 places the responsibility for health and safety ultimately with the employer. However, many of the duties that derive from that responsibility may be delegated to managers and supervisors. The DOEF procedure (EPM HS1a - Directorate of Estates Health and Safety Procedures) shows how these duties are allocated and identifies the following key arrangements:-

- Outlines the Directorate of Estates' organisational structure for the management of safety;
- Identifies functions allocated to managers and supervisors
- Makes clear and defines the extent of managers and supervisors' responsibilities in relation to health and safety.

2.3 Management of Health and Safety at Work Regulations (MHSWR) 1999

The Management of Health and Safety at Work Regulations 1999: require employers to carry out risk assessments, make arrangements to implement necessary measures, appoint competent people and arrange for appropriate information and training.

The Workplace (Health, Safety and Welfare) Regulations 1992: cover a wide range of basic health, safety and welfare issues such as ventilation, heating, lighting, workstations, seating and welfare facilities.

How the DOEF ensure compliance with these regulations is laid out in its policy and procedure documents EPM HS1 and HS1a.

2.4 Construction (Design and Management) Regulations (CDM) 2007

The Directorate sets out how it meets its duties under these regulations in its Policy and Procedures documents EPM HS 14 and 14a - Construction (Design and Management) Regulations Procedures and Appendices. These can be found at: -

<http://www.estates.manchester.ac.uk/DirectorateOfEstates/Procedure%20and%20Information/Contents.html#VOL4>

2.5 Control of Asbestos Regulations (CAR) 2012

These Regulations place a duty to manage the risk from asbestos across all University premises. The risk is assessed by carrying out Asbestos Management Surveys to all Academic and non Academic Buildings. All of the ACM's (Asbestos Containing Materials) identified within the buildings are risk assessed and a programme of asbestos management works are scheduled. All of the ACM's are re-inspected every 12 months and new Asbestos Management Surveys are carried out every three years.

Asbestos Refurbishment and Demolition surveys are carried out for all University projects where intrusive works are required. The results of the Refurbishment and Demolition surveys are then collated to help produce an Asbestos Removal Specification.

All asbestos surveys are carried out by the consultants currently on the University's Asbestos Consultants Framework. All asbestos remedial works are carried out by the asbestos removal contractors currently on the University's Asbestos Remedial Services Framework. The framework is retendered every three years (with one year's grace). All contractors are assessed on their experience, competency and price. Audits are carried out on the asbestos removal contractors in order to maintain standards of work.

2.6 Water Supply (Water Fittings) Regulations (WSWFR) 1999

On 1 July 1999, the Water Industry experienced a significant change. Byelaws were replaced by new regulations called the Water Supply (Water Fittings) Regulations 1999. The new regulations provide increased protection of drinking water supplies and a more efficient use of water. They are owned by the Department of the Environment, Food and Rural Affairs; however water companies are responsible for the enforcement. To ensure compliance with the regulations University of Manchester (UoM) conclude various activities which include:

- Specifying all water fittings shall be WRAS approved
- Specifying employees or any staff sub-contracted working on potable water mains and pipes are to hold a current National Water Hygiene (NWH) Card and/or be registered on the Water Industry Approved Scheme (WIAPS)
- Ensure all water fittings associated with category 1 & 2 supplies are certified under The Water Regulations Advisory Scheme (WRAS) and carries a mark that demonstrates that an item complies.
- Ensure provision is made for independent checks to be carried out by the Directorate of Estates Specialist Water Company and/or Specialist Water Consultants as appropriate which are incorporated within the Legionella risk assessment regime.
- Ensure Backflow protection is incorporated be in accordance with BS EN 1717
- Ensure all fluid categories are clearly defined to minimise the risk of cross contamination

The UoM adopt further the principles of control and management identified in H.S.E Approved Code of Practice and Guidance L.8 – The control of Legionella bacteria in water systems, so far as reasonably practicable, to limit the implications associated with the proliferation of Legionella within the water systems, and therefore conclude the following activities:

- Appoint a Responsible Person
- Deliver and approve the 6 monthly report(s) on the management of Legionella to the Legionella Working Group, the reports include the following area:
 - A statement detailing the maintenance activities undertaken during the previous 6 months
 - A statistical return on the “tap temperature measurements “undertaken during the previous 6 months
 - Management by exception report(s) - resulting from the maintenance and inspection regime - with actions taken to resolve the issues
 - Confirmation that Legionella Risk Assessments are up to date and all recommendations have been actioned or have been scheduled to be actioned within a defined timeframe

The UOM appointed Responsible Person leads on the associated compliance works under Approved Code of Practice and Guidance L.8 which include:

- The day to day responsibility for the management of Legionella in the Directorate of Estates and Facilities managed water systems
- To be the single point of contact for the Health and Safety Executive (HSE) in the event of an enquiry
- To monitor on behalf of the Duty Holder’s representative, the management of Legionella
- To monitor the effectiveness of the Legionella policy and procedure document – to make timely recommendations for improvement as and when necessary
- To ensure on a 2 yearly planned cycle that water Legionella Risk Assessments are undertaken by a consultant (registered with the Legionella Control Association) and to arrange for additional Legionella Risk Assessments to be carried out when significant changes to water systems are undertaken
- To ensure that the recommendation identified in the Legionella Risk Assessments are carried

out within the recommended timescale

- To appoint, and monitor the effectiveness of the specialist water treatment company and water specialist consultants so as to ensure that they are providing the service in accordance with their terms of reference
- To approve the UoM's Code of Practice for Design Team for the requirement of water system –
- To approve modifications to existing and new water systems
- To develop and issue precise instructions relating to the maintenance of water systems
- To receive/analyse reports/worksheets from contractors, consultants, DLO technicians, plant operators, House Service staff, external bodies - where appropriate to issue instructions for remedial works /retests etc.
- To identify training needs and ensure that training is provided as required
- To audit the management system every 3 months so as to ensure compliance with this policy document
- To provide a 6 monthly written report to the Duty Holder's Representative
- To provide the Duty Holder's Representative with written management by exception reports when required
- To undertake other specific duties detailed within this document

In the absence of the Responsible Person, the Assistant Mechanical Engineer act's as the Deputy Responsible Person and assumes the Responsible Person's duties, in addition to ensuring all the PPM regime associated with the requirements of Approved Code of Practice and Guidance L.8 are fully conclude which includes the following:

- Inspection of water tanks
- Tap temperature measurements
- Tank temperature measurements
- Remedial work associated with Legionella Risk Assessments
- Shower chlorination programme
- Tank cleaning and Chlorination
- Infrequently used water outlets

2.7 Regulatory Reform (Fire safety) Order (RRFSO) 2005

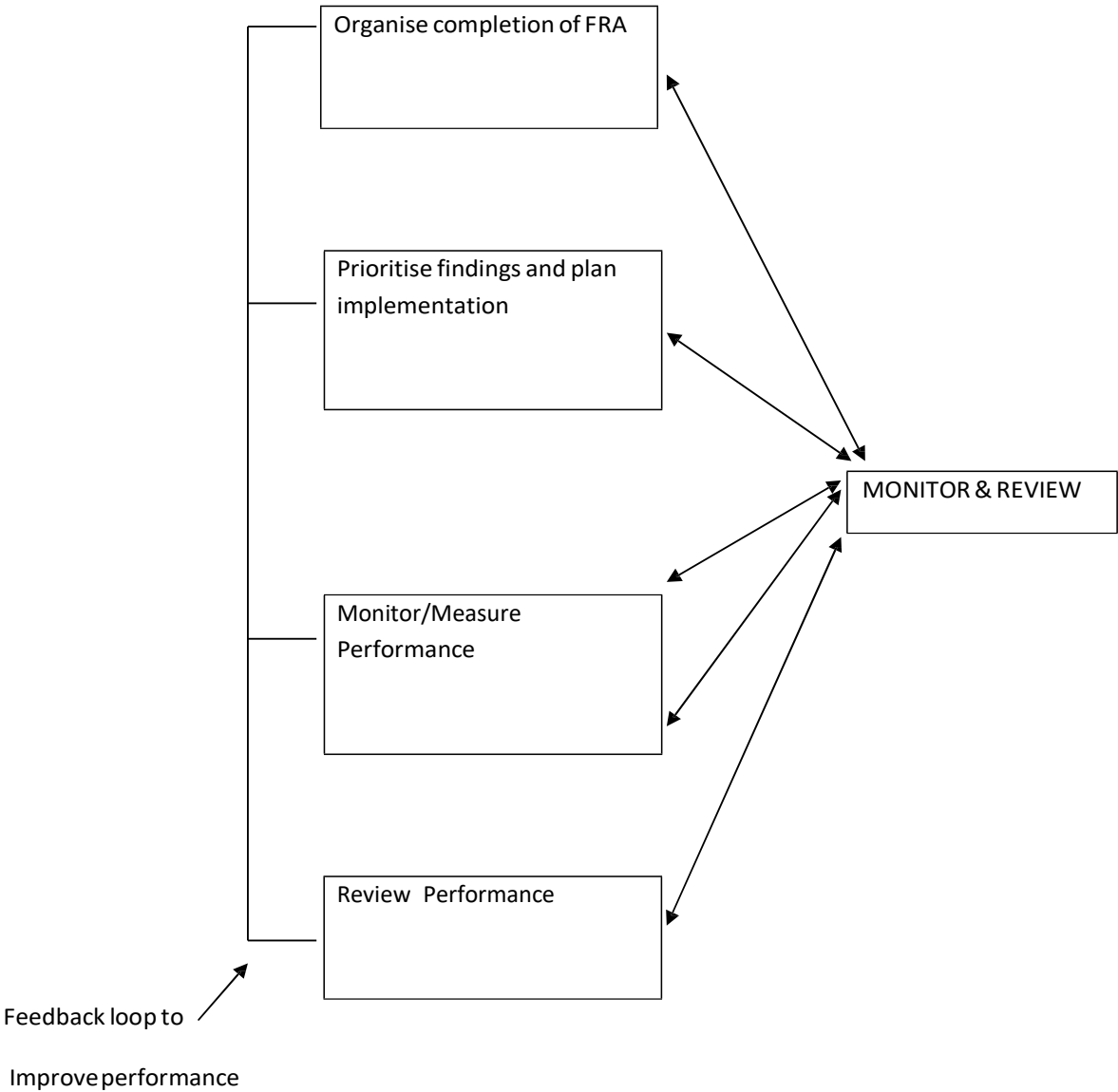
At the time the RRO (Fire Safety) Order 2005 was introduced The Directorate of Estates and Facilities and Safety Services agreed a benchmark that all applicable University buildings would have a FRA every 2 years. Aspirationally some buildings may be re-assessed more frequently than this but this is the minimum target. The status of this KPI is regularly reported to the Fire Safety Advisory group (FSAG)

The findings of the FRA are prioritised for action within planned remedial projects by the fire officers and progress is monitored using the Gratik system.

This process determines priorities taking into account the level of risk. Emphasis is given to the most critical issues within the highest risk premises. This approach encourages understanding measurement and reduction of risk by directing resources where the impact will be greatest.

This model promotes planned budget investment in line with risk profiling contributing to the wider university strategy of continuously improving the portfolio of University buildings.

The 4 steps to this successful Fire safety Management model are;



2.8 Equality Act (EA) 2010

The Disability Discrimination Act 1995 (DDA) brought in measures to prevent discrimination against disabled people. The Disability Discrimination Act 2005 further amended the DDA 1995 by increasing and creating new rights for disabled people. From 1 October 2010, much of the DDA was superseded by the Equality Act 2010.

The Act has two main purposes – to harmonise discrimination law, and to strengthen the law to support progress on equality. One of the purposes of the Equality Act 2010 is to address the needs of disabled people by carrying out alterations to buildings with the aim of inclusion. The Act gives rights to those with disabilities to ensure that they are not discriminated against because of their disability. The extent of a client's duties under the Equality Act 2010 is about what adjustments might be reasonable considering the extent, cost, financial resource and disruption.

The University have carried out campus wide Access Audit's and are carrying out a program of works to existing properties based on the recommendations. New projects must be designed to comply with BS8300:2009 / Approved Document M of the Building Regulations. The project manager is to ensure that Access Statements are to be written for any project that requires planning and/or building regulation approvals.

2.9 Environmental Protection Act (EPA) 1990

The Environmental Protection Act 1990 contains the key provisions in relation to the management of controlled waste with which all universities and colleges must comply. Many of the provisions of the EPA 90 have been implemented by Regulations made by the Secretary of State.

The requirements under Part II, Section 33 of the Act mean that, whilst on site, waste must be stored in such a way as to prevent it from causing damage to the environment or posing a risk to human health. This generally means it must be stored in suitable containers or a defined compound. Section 34 of the Act imposes a Duty of Care on all those who import, produce, carry, keep, treat or dispose of controlled waste. Section 89 of the Act contains requirements for the management of litter with which educational establishments must comply.

The University has an Environmental Sustainability Team, and an Operations Unit that includes a dedicated Waste Coordinator that monitor compliance with the Act.

All construction projects over £300,000 (excluding VAT) in England must have a Site Waste Management Plan (SWMP) in place before work starts. The Project Manager will appoint either the designer, contract administrator or the CDM coordinator to draft the SWMP.

The SWMP must describe each waste type expected to be produced, identify the quantity of each waste stream and identify the waste management action proposed (i.e. re-use, recycle, recovery or disposal). Regulation 6 requires that the client and principal contractor sign up to a declaration that

they will: take all reasonable steps to ensure that all waste from the site is dealt with in accordance with section 34 of the EPA 1990; and materials will be handled efficiently and waste managed appropriately.

2.10 The Party Wall etc. Act 1996

The Party Walls etc. Act 1996 came into force on 1 July 1997 and extends to the whole of England and Wales. The Act sets out the rights and obligations of property owners involved in the building of party structures or their repair and alteration, and also those concerned with excavation carried out within notifiable distances from buildings on adjoining land.

The Act sets out the procedures for notification of proposed work and protocols for the obligatory appointment of surveyors when disputes need to be resolved. No landowner can carry out works to his property which might affect a neighbouring property without first complying with the provisions of the Act.

Any new projects that fall within the remit of the Act the Project Manager will ensure compliance with the procedures set out in the Act.

2.11 The Gas Safety (Installation and Use) Regulations (GSR) 1998

Under the requirements set out in the Gas Safety (Installation and Use) Regulations 1998, the University of Manchester (UoM) is required to ensure that all gas appliances, flues and gas pipe work are checked annually. A Gas Safe registered gas installer must carry out the safety checks and a record of each safety check needs to be held by the University and the resident or responsible person for the premises. The University has responsibility for overseeing the activities of any contractor employed to install, service, or maintain any gas pipe work or appliances contained within or supplying University properties. To ensure UoM fully complies with all the areas associated with The Gas Safety Regulations (Installation and Use) Regulations (GSR), the UoM gas policy defines the following areas:

- Roles and Responsibilities
- Staff & Contractor Induction
- Qualifications and Training of Employees and Contractors
- Staff & Contractor Induction
- Standard Operational Procedures
- Design Guidance – New and Refurbished Installations / Equipment
- Maintaining of the Gas Asset Register
- Gas Maintenance Processes
- Contracted Out Catering Facilities
- Dealing with Unsafe and Not to Current Standard Situations
- Quality Control Audit Programme / Inspections
- Dealing with Reports of Gas Related Emergencies

The University of Manchester has detailed roles and responsibility's which deals with gas installations and equipment contained within premises. Different specifications are documented which identify the person or persons responsible for the implementation of those roles which include the following:

- Duty Holder / Responsible Person (Gas), is the designated Duty Holder and act as the 'Responsible Person' for the University of Manchester gas installations, as defined in the Gas Safety (Installation & Use) Regulations.
- Gas Compliance Manager is responsible for standards setting and will be designated the Gas Compliance Manager.
- Gas Services Manager has responsibility for ensuring performance of the standards set by the PSU and will attend contractor meetings and monitor staff performance.

The gas policy of The UoM ensures all gas equipment installed and used within all University properties are installed by competent persons and are safe to use and present no danger to any person by:

- Ensure the safety of persons through regular maintenance of all fixed gas fuel-burning equipment.
- inspect and test gas supplies and flue installations for integrity and safety
- ensure that residents own gas appliances are correctly installed and safe to use
- ensure the safety of persons through the regular maintenance of smoke alarms
- ensure the safety of persons deemed to be at risk by regular maintenance of carbon monoxide alarms
- Ensure all applicable operatives subscribe and are recorded on to The Accredited Certification Scheme ACS matrix.
- ensure all contractors provide a current and valid copy of their GAS SAFE registration
- ensure all contractor will assume responsibility for vetting any sub-contractors
- retain evidence of the identity of operatives that undertake work on the UoM gas systems and retain copies of relevant and current certificates and Gas Safe Registration cards
- examine contractor qualifications before temporary transportable gas systems such as LPG fuelled temporary heat sources or outside temporary catering equipment are imported into UoM premises
- Identify any gas safety training needs of non-technical staff such as DLO technicians, premises managers, housekeepers, helpdesk personnel and security staff etc.

The UoM gas policy incorporates procedures describing the standard methods used when carrying out service and maintenance work, in accordance with The Gas Safety Regulations (Installation and Use) Regulations (GSR,) on relevant appliances found upon University of Manchester premises including:

- gas installation pipe work
- gas fired central heating and hot water boilers and system
- domestic gas fired cooking appliances
- gas fired, direct and indirect, forced convection air heaters and system
- gas fired overhead radiant heaters and systems
- gas fired catering appliances and allied equipment
- safety checks - inspecting and testing chimneys serving gas appliances
- safety checks - gas fired overhead radiant heaters and multi-burner systems
- safety checks - gas fired catering appliances / installations
- provide Gas Safety Certificate (CP12) on leased property
- tightness testing of installations / appliance connection
 - strength testing, tightness testing and direct purging of industrial and commercial gas installations
 - strength testing, tightness testing and direct purging of small low pressure industrial and commercial natural gas installations
 - tightness testing and direct purging of small natural gas installations
 - test effectiveness of any flue
 - test for correct supply of combustion and ventilation air
 - check operating pressure or heat input or, where necessary, both
 - check appliance operation so as to ensure its safe functioning

The UoM reviews and updates the gas policy and procedures as new equipment is installed within its portfolio and informs the asset register data base to ensure all activities are current.

2.12 Electricity at Work Regulations (EWR) 1989

The purpose of these regulations is to require precautions to be taken against the risk of death or personal injury from electricity in work activities. The regulations impose duties on persons in respect of systems, electrical equipment and conductors and in respect of work activities on or near electrical equipment. They apply to almost all places of work and electrical systems at all voltages.

In summary Part II of the Regulations places general duties on those individuals who the regulations apply to in relation to the following matters:

- General Safety of Electrical Systems (Regulation 4):
- Strength and Capability of Electrical Equipment (Regulation 5)
- Adverse or hazardous environments (Regulation 6)
- Insulation, protection and placing of conductors (Regulation 7)
- Earthing or suitable precautions (Regulation 8)
- Integrity of referenced conductors (Regulation 9)
- Connections (Regulation 10)
- Means for protecting from excess current (Regulation 11)
- Means for cutting off the supply and for isolation (Regulation 12)

- Precautions for work on equipment made dead (Regulation 13)
- Work on or near live conductors (Regulation 14)
- Working space access and lighting (Regulation 15)
- Competent people (Regulation 16)

Electrical maintenance activities are satisfied through the use of specialists to complete a range of maintenance activities including High Voltage maintenance, Fixed electrical testing and inspection, Portable Appliance testing, Lightning Protection system maintenance. Added to this the internal MSU team ensures day to day matters are dealt with by competent staff.

Electrical design matters are dealt with by professional consultancy practices which ensures designs meet the criteria of compliance with the Regulations.

Construction projects are completed by NICEIC registered companies which ensures installations are completed by competent contractors. The University document EPM PM8 is the Standard Electrical Specification which is aimed at upholding standards of electrical installation work at the University which in turn would meet compliance with the Regulations.

The University document EPM HS16 is a document detailing procedures to be followed for electrical shutdowns.

The ongoing maintenance programmes are used to assess condition of the installations and prioritise Long Term maintenance funding, which is assessed during the annual budget setting.

2.13 Lifting operations and Lifting Equipment Regulations (LOLER) 1998

Estates and Facilities are responsible for cranes, I beams, slings, and other items of lifting equipment provided for the building as a whole or to serve building systems. These will be tagged with a yellow tag which is used to track compliance with statutory inspection and examination requirements that are undertaken via the PPM regime. Regular Inspections are also undertaken by the University Insurers 'Allianz'

2.14 Provision and Use of Work Equipment regulations (PUWER) 1998

Provision and Use of Work Equipment Regulations 1998: require that equipment provided for use at work, including machinery, is safe.

Estates and Facilities are responsible for all such equipment provided as part of a buildings key infrastructure and instruct PPMs to ensure the safe operation of pressures systems and vessels providing building services such as heating, ventilation, etc, and including compliance with the Pressure Safety Systems Regulations. Regular Inspections are also undertaken by the University Insurers 'Allianz'

2.15 The Building Regulations 2010

The legislative framework of the 'Building Regulations' is principally made up of the The Building Regulations 2010 and The Building (Approved Inspectors etc.) Regulations 2010. Both came into force on the 1 October 2010. The Building Regulations are made under powers provided in the Building Act 1984, and apply in England and Wales.

The Building Regulations are made up of procedural regulations and technical requirements. Procedural regulations that set out what kind of work needs Building Regulations approval and how that approval should be obtained. Technical requirements that set the standards that should be achieved by the building work.

Some kinds of building projects are exempt from the Regulations, however generally if there is an intention to carry out 'Building Work' as defined in Regulation 3 of the Building Regulations, then it must comply with the Building Regulations.

For all projects that come within the remit of the Building Regulations the Project Manager will either appoint an approved inspector or instruct the design team to use the local authority building control service for building regulation approvals, to ensure compliance.

2.16 Town and Country Planning Act 1990

Planning permission is required for activities which are considered 'development' within the meaning of section 55 of the Town and Country Planning Act 1990. Most new buildings, major alterations to existing buildings and significant changes to the use of a building or land need this permission.

Where a proposal is 'development', it may be one that can be carried out without obtaining express planning permission. The Town and Country Planning (General Permitted Development) Order 1995 (as amended) grants permission to particular types of development listed in Schedule 2 of that Order. Development in Schedule 2 benefits from 'permitted development rights'

For all projects that take place requiring planning approval the Project Manager will either appoint a planning consultant or instruct the design team to use the local authority planning department for planning approvals to ensure compliance.

2.17 Planning (Listed Buildings and Conservation Areas) Act 1990

A listed building is a building or structure that has been included in a list under the provisions of section 1(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. To be eligible for listing, the building or structure must be of special architectural or historic interest. Section 16(2) sets a statutory duty that listed building control applies to proposed works to the interior and exterior of the building and to fixtures and curtilage structures. Any proposal that requires listed building consent must express an understanding of the buildings special or historic significance and demonstrate that proposed works are not detrimental to this.

There is no direct legislative requirement for the owner or occupier of a listed building to maintain it in good repair, but it is implicit in both law and government guidance that the owner or occupier should not allow a listed building or structure to fall into disrepair. However if a building is in a state of disrepair such that the local planning authority considers that major repairs are necessary, there are powers under the Act to serve a notice on the owner requiring the execution of those works (normally known as a 'full repairs notice').

For all projects that take place requiring listed building consent the Project Manager will either appoint a heritage consultant or instruct the design team to submit proposals to the local authority conservation officer and obtain consent to ensure compliance.

3.1 Delivery Strategy

3.2 Survey

All survey and inspection works are generally managed by the PSU. Large and or complex surveys are often allocated a dedicated MSU or DSU Project Manager. A number of annual inspections (in addition to those already mentioned) are undertaken to ensure statutory compliance is maintained. These include inspections of CTU and Cluster spaces, unallocated spaces and vacated buildings, paving and external surfaces, signage audits, and Roof void/space inspections.

3.3 Project Works

All project works follow the allocation and monitoring process identified in the DOEF policy EPM PM2. Delivery of projects is undertaken in accordance with the Office procedures manual in DOEF policy EPM PM4.

3.4 Maintenance Contracts

All required maintenance contracts are identified by PSU and are then procured and managed by MSU to meet statutory obligations.

3.5 Monitoring

The DOEF has a number of ways in which it monitors its statutory compliance. Regular Contractor Monitoring is instructed and overseen by the Estates Health and Safety Officer. Audits of key policy

and procedures takes place frequently as well as high level project review. EPM PM4 also includes a compliance audit checklist for all construction works.

4.1 Interpretation of the Legislation and Statutory Instruments

4.2 Interpretation of legislative requirements for Estates and Facilities are undertaken by the Client Services Unit and are ratified at Estates Health and Safety Committee as required. Further escalation of interpretation is made to the University Safety Services section and through the various health and safety advisory groups that report in turn to the Safety Health and Environment (SHE) Committee.

5.1 Budgeting and recurrent Investment

5.2 Through the budget setting process the DOEF has a mechanism to ensure all statutory compliance requirements are given adequate levels of recurrent investment. These requirements are met through a number of budget areas held by various units within the DOEF and at University wide level. The budgets listed below are provided to meet Statutory Compliance requirements as well as general reactive, long term and planned maintenance, as well as improvement and refurbishment projects.

- Academic LTM :- £26M pa
- Residences LTM - £7M pa
- PSU Small Works - £2M pa
 - Directorate SW -£1M pa

6.0 Specification and Site Supervision for Construction Works

In order to ensure the University receives the appropriate and specified standard of work the DOEF has introduced 'EPM PM7 – Code of Practice for Design Teams' which includes a RIBA stage sign off procedure. This ensures projects can't proceed through the design and construction stages without being signed off by key DOEF Senior Staff.