



trowers & hamblins



Presentation — May 2020

Webinar – Delivering Repairs and Maintenance during Covid-19

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Delivering repairs and maintenance services during the Covid-19 pandemic

- 12:00 until 12.45 pm

Introduction and welcome	-	Katie Saunders
Health and safety and regulatory implications for Landlords	-	Amanda Stubbs
Update on latest guidance	-	Helen Stuart
Managing relationships with contractors and suppliers	-	Clarissa Smith

- 12.45 until 1pm -Questions- please use the Q and A button not Chat
- Questions we don't have time to answer – email instead

Delivering repairs and maintenance services during Covid-19 and looking to the future

- Collaboration and alliancing essential to navigate our way through this crisis
- Safety paramount for housing provider staff, contractors and residents
- Concerns about what essential maintenance means/ access to properties and payment during this period
- Moving forward- housing providers will need to work with contractors and residents to restore full repairs services
- Procurement guidance – support suppliers to ensure that they can mobilise as lockdown measures lift

Health and Safety- Amanda Stubbs

- Initial response to Covid-19 and what the law says
 - What types of work are “essential” ?
 - Covid-19 Guidance and Health & Safety legislation
 - Top tips for managing both
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Health and Safety

- Initial response to Covid-19 and what the law says :
 - The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 require specified businesses to be closed, and list specific exceptions
 - Everything else remains as before, subject to Regulation 6 which states that no person may leave the place where they are living without reasonable excuse
 - "reasonable excuse" includes travelling "for the purposes of work or to provide voluntary or charitable services, where it is not reasonably possible for that person to work, or to provide those services, from the place where they are living"
 - Regulation 7 imposes restrictions on gatherings of more than two people in a public place, unless the gathering is essential for work purposes
 - ***all work that is not prevented by the law, and which cannot be done from home, should continue***

Health and Safety

- What types of work are “essential” ?
 - The concept of whether work is "essential" does not feature in the new Covid-19 legislation
 - Confused ? The Government added the following to its FAQs webpage at the end of March : "the Government is not saying that only people doing "essential" work can go to work. Anyone who cannot work from home can still go to work”
 - However, Covid-19 Guidance around tradespeople working in people’s homes refers to carrying out “essential repairs and maintenance”

Health and Safety

- Covid-19 Guidance and Health & Safety legislation :
 - overarching H&S obligations to keep safe those affected by your operations (Health & Safety at Work Etc Act 1974)
 - need to take "all reasonable steps" to manage the risk of Covid-19
 - carry out a suitable and sufficient assessment of the risks to which employees (and others) are exposed in the workplace (Management of the Health and Safety at Work Regulations 1999)

Health and Safety

- Top tips for managing legal risks associated with Covid-19 and overarching H&S requirements
 - Risk assess the known risks and use the Government Guidance and other reputable sources of guidance to help with the less certain risks
 - Document your thinking and your considered approach
 - Accept that there may be some aspects of your work that cannot be undertaken safely, so change approach or don't do it !

Latest guidance – Helen Stuart

- Construction sites:
 - *“It can continue if done in accordance with the social distancing guidelines wherever possible.”*
 - *“Where it is not possible ...you should consider whether that activity needs to continue for the site to continue to operate, and, if so, take all the mitigating actions possible to reduce the risk of transmission.”*
 - Handwashing, 2m distance, minimising contact, grouping workers, using stairs, ventilation and daily reminders
 - Refers to CLC guidance

Latest Guidance – Government

- Tradesmen in homes:
 - Refers to essential R & M
 - No symptoms
 - Notify in advance
 - Handwashing
 - 2m distance from occupants
 - Ventilation
 - No work where household is isolating or shielded unless direct risk
- Building Safety Works:
 - ‘this work is critical to public safety.’*
- Keep checking for updates
- PPN02/20

Latest Guidance – CLC

- Site Operating Procedures – 3rd Version
 - Detailed advice
 - *‘Organisations must have in place effective arrangements for monitoring and reviewing their compliance with Government and industry guidance.’*
 - HSE relevant enforcing authority
 - Transport to site
 - Handwashing and Cleaning
 - Meetings, Welfare facilities and canteens
 - Minimise contact, group works
 - RPE last resort

Latest guidance – CLC

- CLC's Advice on Temporary Suspension on Sites
 - Contractual issues
 - Record of progress
 - Security, insurance and Health & Safety
- CLC's Guidance on Avoiding Disputes

Managing relationships- Clarissa Smith

What does this mean?

- Impact of Covid-19 on the provision of services where only “essential repairs” are undertaken:
 - Instruction, refusal or prevention?
 - Extension of time entitlement:
 - Notification requirements
 - Cause(s) of delay:
 - Force majeure – defined?
 - Access
 - Materials
 - Suspension rights?

Managing relationships: What does this mean?

- Payment:
 - Check the contract – completion of an order/task or an interim basis?
 - What about delay costs?
- Rights of the employer if the services provider is unable to deliver the services?
- A word on ‘mitigation’!

Managing relationships: Practical Considerations

- Check the terms of your contracts and supporting technical briefs, seek legal advice where necessary.
- Record keeping is essential!
- Regular dialogue between employer and service provider to review service delivery to monitor existing and planned progress.
- Consider agreeing and documenting an approach to address the effects of Covid-19 and seek legal advice to ensure that this is documented properly.

Questions

- For further advice on rent, possession and disrepair teams – Trowers team are holding surgeries- please do get in contact if you would like to join
- Top tips on procurement during Covid 19 pandemic
<https://www.trowers.com/insights/2020/april/webinar-top-tips-for-ongoing-procurements>
- Building a Safer Future Hub on Trowers website
<https://www.trowers.com/insights/2020/april/building-a-safer-future---the-key-considerations-for-landlords-now>

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