

## **RECENT FATAL INJURIES TO TENANTS OF COUNCIL AND HOUSING ASSOCIATION HOUSING**

### **DUTIES TO NON-EMPLOYEES e.g. TENANTS**

#### **SECTION 3 of the HEALTH AND SAFETY AT WORK etc ACT 1974**

I am writing to make sure that you are aware of deaths to tenants which have occurred because of faulty domestic hot water systems. For further details please see the attached safety alerts which cover:

- (i) discharge of scalding hot water from cisterns; and
- (ii) exploding redundant back boilers.

HSE is currently aware of four incidents associated with hot water discharge and three back boiler explosions.

Many local authorities have already taken appropriate action to deal with these matters. If you have not already done so, please use the information given in the attached and the advice below to consider how you should address any significant risks.

Your duties under the above legislation are wide and in addition to covering your directly managed housing stock, you will also need to consider any stock previously owned by the council that it is now under the control of arms-length management organisations. For example, ensuring the competence of such organisations and where necessary bringing these matters to their attention and checking that they have taken appropriate action to protect tenants.

Risks might not be restricted to rented domestic properties, and you may need to consider all council owned property where the particular water heating systems could be present.

Within your administrative boundary, council and housing association stock may be extensive and HSE encourages a sensible and proportionate response given your stock profile. This might include:

- where there have been significant modernisation contracts, sample checks to determine whether replacement plastic cisterns have been installed with sufficient support and/or back boilers have either been removed or made safe;
- performing a safety check when tenants change;
- providing tenants with information on the warning signs of failures and ensuring they know how to switch the immersion heater off, or not to light an open fire where a back boiler may be present.

I understand that the Council may also have a role as the statutory enforcing authority for domestic safety matters under the Housing Act 2004 and the Housing Health and Safety Rating System (England) Regulations 2005, for which this information might also be of relevance. The Department for

communities and Local Government has written separately to all relevant authorities with respect to this.

I hope that the enclosed information is helpful. The information is also available on the HSE website [www.hse.gov.uk](http://www.hse.gov.uk). If you wish to contact HSE about your duties under the Health and Safety at Work etc Act 1974, please do so via the following e-mail address:publicservices@hse.gsi.gov.uk.

Yours faithfully

Rosalind Roberts  
Head of Public Services Sector