



# Assuring Resident Safety in Third-Party Managed Buildings

## 1.0 Purpose and scope

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Notting Hill Genesis has relationships with tenants and leaseholders who live in a variety of buildings. Some of these buildings, or some of the functions within them are managed by appointed agents or other External Managing Agents and service providers who we work closely with to ensure the safety of our residents.

This policy sets out our approach to the data we hold on compliance related activity, the way we will assure safety and how we will escalate non-compliance. This policy should be read in conjunction with our Managing External Managing Agents policy.

This policy applies to all properties where there are residents living in general needs, keyworker, intermediate rent, supported housing and shared ownership and where any element of compliance is managed by a party other than NHG.

## 2.0 Definitions

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**Appointed agents** – These are organisations **we appoint** to manage the day-to-day functions of a building or estate where we own the headlease or freehold.

**External Managing Agents (EMA)** – These are third party service providers appointed by the Freeholder or Head Lessee where lease covenants bestow responsibility for all or part of the building / estate to them.

**Headlease** – a form of ownership where a party becomes responsible for all or part of a building owned by a someone else (usually termed the freeholder).

**Freeholder** – the owner of the building

**Service Providers**– any person other than NHG, our appointed agents or External Managing Agents who has responsibility for compliance related activity that benefits a building with one of our low cost homeowners or tenants in low cost rental accommodation. This includes energy services companies (ESCOs) who provide communal gas services.

## 2.0 Data management

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When we develop, or buy a property we will update our housing management system to ensure that we maintain accurate records of who is responsible for:

- Fire Safety

- Gas Safety
- Lift Safety
- Water Safety
- Asbestos Management
- Electrical safety
- Other building components

We have processes in place to maintain this data when the responsibility changes.

### **3.0 Working with appointed agents and EMAsservice providers**

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Our relationship with appointed agents is contractual. We ensure that any managing agreement signed requires the appointed agents to provide information on compliance related activities and repairs undertaken in the building or in homes we own.

Where we are operating under an old agreement we will work with appointed agents to ensure they understand the importance of providing the relevant information.

Our relationship with EMAs service providers varies depending on the nature of the arrangement. We will develop good working relationships with EMAs and other service providers to ensure the safety of our residents and the timely provision of information relating to building safety compliance to the regulator of social housing.

### **4.0 Requesting evidence**

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To ensure our residents are safe in the building where one or more services is managed by others, we will request documentary evidence that the appropriate checks have been carried out. The evidence we will accept is outlined in Appendix 1.

We make reasonable attempts to contact service providers to gather compliance certificates. This will include sending at least two emails or letters giving reasonable deadlines and explaining what information we need and why we need it.

We will also make other approaches including making telephone calls, contacting residents who reside in the building and making visits as appropriate to the particulars of the building.

### **5.0 Managing non-compliance**

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We expect all appointed agents and EMA to respond to our requests. We have a zero-tolerance approach to those that don't as we must ensure our residents are safe.

Where we have appointed agents, we will take enforcement action through contractual obligations resulting in termination if necessary.

Where we have not received certificates, but the appointed agent or third party has provided a plan for the provision of certificates we will monitor the plan as part of our escalation procedure.

Freeholders and Head Lessees for High-Risk Buildings, as the Principle Accountable Person, have prescribed duties under the Building Safety Act which must be fulfilled, include sharing relevant information with the Appointed Person in relation to the safety of the building (S88). We will ensure their duties are complied with.

## **6.0 Escalating non-compliance**

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Where reasonable interventions fail to provide assurance, with approval from senior leadership, we will pursue external escalation either through legal channels or through making a referral to relevant authorities to ensure that appropriate safety checks are carried out.

When deciding to escalate externally we will consider the following:

- The specific compliance assurance we are seeking.
- Whether the building is a High-Risk Building or not (See our Building Safety Policy for a definition of a High-Risk Building)
- Any other risks associated with the building.
- What engagement, if any, we have had with the responsible party.

Any decision will be recorded along with the reason for that decision.

### **6.1 Members of The Property Institute**

Where a managing agent is a member of the property institute, we may ask them to work with their member to ensure provision of appropriate evidence that compliance checks have been carried out and to provide us with evidence of the checks.

### **6.2 Missing Fire Risk Assessment**

If the certificate we have not received is a Fire Risk Assessment, we will alert our Primary Authority Partner. We will ask them, (or other relevant local fire brigade) to send a letter to the other party requiring them to provide the required evidence to them and us.

### **5.2 High Risk Buildings**

Where there are issues with missing certificates, and the building they relate to is listed as a high-risk building (this can be checked on the register of high risk buildings), we will notify the Building Safety Regulator. Managing agents and service providers may have obligations as an Accountable Person under the Building Safety Act 2022, including the duty to share information about building safety for registered buildings.

### **5.3 Legal Action**

Where the above interventions are not appropriate, or where they have been tried with no result, we will review our lease and begin legal action and apply to the first Tier Tribunal seeking remediation. The reason for action will depend on the specific arrangements contained within the leases. Grounds may include:

- Breach of our lease agreement
- Breach of Landlord & Tenant Act 1985

- Breach of the Building Safety Act 2022 (S88)

Where the relationship is one where we appoint the managing agent, legal action may include serving notice to terminate the contract and appoint ourselves or another party to carry out the functions instead.

## 7.0 Reporting

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We will report our progress in assuring compliance throughout the year to appropriate boards and committees. This includes:

- Monthly reporting to Executive Board.
- Quarterly reporting to Health & Safety Committee.
- Quarterly reporting to Group Board via the Better Together Scorecard

We will also report annually to the Regulator of Social Housing as part of our Tenant Satisfaction Measures reporting. These will also be published online.

## 8.0 Reference

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- [Tenant Satisfaction Measures Technical Requirements](#)
- Control of Asbestos Regulations 2012
- Regulatory Reform (Fire Safety) Order 2005
- Gas Safety (Installation and Use) Regulations 1998
- Building Safety Act 2022

### Document control

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### Version Control

Date	Amendment	Version
1 August 2025	New policy	1.0

# Appendix 1 - Tenant Satisfaction Measures

## Compliance Requirements

### 9.0 Introduction

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This document sets out the documents that NHG requires from parties managing the communal areas associated with its low cost rented accommodation (LCRA) and low-cost homeownership (LCHO) properties. This is to meet the Tenant Satisfaction Measures set out in the Transparency, Influence and Accountability standards<sup>1</sup>.

### 10.0 BS01 Gas Safety checks

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NHG require in-date gas safety certification for all gas installations that are either in or serve LCRA or communal boilers that serve LCHO or LCRA properties. Regardless of whether boilers are in the same building as the units or not. This may include gas installations managed by ESCOs (Energy Service Companies) e.g. EON.

The certification must indicate that the system has been checked and tested, and the installations are safe (with a pass). The certificates are to be provided on an annual basis in advance of the previous certificate expiring.

A copy of the certification is still required if the property has no connected gas appliances but has a capped supply.

### 11.0 BS02 Fire safety checks

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NHG require an in-date Fire Risk Assessment (FRA) for all buildings that have two or more dwellings that share a common fire escape route. All communal areas e.g. lifts, stairwells storage rooms, external wall systems, balconies and flat front doors etc. MUST be part of this report.

***All properties with a shared common fire escape require an FRA (including maisonettes). For properties with an individual street level exit and which do not have shared fire escapes, the FRA is recorded against the block rather than the core.***

If an FRA notes a review date prior to its expiry date, a copy of the review or confirmation that the review has been completed must be provided to NHG prior to this date. We will accept written confirmation by email from the third party as evidence of the review for this purpose.

The compliance status of a property is based upon the date shown on the FRA. Other policies or statements regarding extensions to FRA's will not be considered.

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<sup>1</sup> [Transparency, Influence and Accountability \(including Tenant Satisfaction Measures\) - GOV.UK](#)

## **12.0 BS03 Asbestos Safety checks**

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NHG require an Asbestos Management Survey for the communal areas of any building constructed before the year 2000.

Should the Management Survey identify the presence of Asbestos, NHG will also require copies of annual reinspection report. If no asbestos is identified a new survey will not be required unless Asbestos is subsequently identified.

Where the survey identifies that asbestos is presumed but not found no annual reinspection is required, however NHG will request that the third party lets us know if any future survey identifies asbestos.

Where we obtain copies of asbestos re-inspections we will accept this as evidence that a management survey was undertaken.

## **13.0 BS04 Water safety checks**

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NHG require a Water Safety Risk Assessment (WSRA) or Legionella Risk Assessment (LRA) for all LCRA or LCHO properties that are served by a shared standing water tank (water tank feeding multiple properties). This may be in the form of a Water Safety Risk Assessment (WSRA) or Legionella Risk Assessment (LRA).

If multiple water safety checks are required for a building, with LCRA and LCHO properties, NHG require copies of each of these.

Any checks completed as part of the recommendations of the LRA/WSRA are also to be submitted to NHG.

## **14.0 BS05 Lift safety checks**

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NHG require the LOLER reports for all passenger lifts serving LCRA or LCHO properties (either inside or outside of the building). This includes all mobility lifts installed in communal areas. Each lift will require its own inspection on a minimum six-monthly basis or annually if specified.

All listed defects will need to be completed within the timeframes set out in the inspection report and maintenance is required to be completed at regular intervals.