



**Scottish Housing**  
Regulator

Advisory Guidance

## **Regulatory Advice Note**

**Maintaining the integrity of gas flues  
during maintenance/improvement  
works**

**January 2014**

## About us

We are the independent regulator of social landlords in Scotland. We regulate around 180 registered social landlords (RSLs) and the housing activities of Scotland's 32 local authorities.

Our statutory objective is to safeguard and promote the interests of current and future tenants, homeless people and others who use services provided by social landlords.

We were established by the Housing (Scotland) Act 2010 and are accountable directly to the Scottish Parliament. Our Regulatory Framework explains how we regulate social landlords. You can download our Regulatory Framework and find out more about us on our website at [www.scottishhousingregulator.gov.uk](http://www.scottishhousingregulator.gov.uk).

## Regulatory Advice Note

# Maintaining the integrity of gas flues during maintenance/improvement works

The Health and Safety Executive (HSE) has raised a number of concerns with us about poor working practices that have been identified during maintenance and improvement contracts, particularly during external cladding and roughcasting works. The main concern is that contractors have failed to maintain the integrity of gas flues leading to potentially serious health and safety issues.

This advice note sets out the key issues that the HSE has raised with us following its investigation into incidents where there had been, or there was the potential for, the build-up of carbon monoxide in properties. This note also provides advice on the actions that we expect landlords to take in order to ensure the safety of their tenants and residents.

### Key health and safety concerns

The HSE has received a high number of reports regarding this matter. Its main concerns are that poor working practices have allowed the products of combustion to enter properties. These poor practices include:

- gas flues being dislodged during scaffold erection or dismantling;
- gas flues being dislodged during over cladding work;
- gas flues not being sealed properly at the external wall after the flue has been extended causing sections of the flue to fail;
- the capping or removal of flues within attic spaces or the blocking of roof tile flue vents;
- air intake being restricted where the gas flue terminal was blocked with mortar and stones during roughcasting;
- gas flue terminals being sealed over to prevent them becoming blocked with mortar and stones during roughcasting work; and
- window and wall air flow vents being sealed (although this had no immediate health and safety risk, the system would fail a gas safety test).

The photographs below detail actual examples of poor workmanship identified by the HSE during its investigations.

**Photograph 1:** shows a dislodged flue both at the boiler and at the external wall. This occurred due to a workman pulling the flue from outside the building. In this instance there was a build-up of carbon monoxide inside the property.

**Photograph 2:** shows a flue terminal blocked during roughcasting work.

Photograph 1



Photograph 2



## The landlord's legal responsibilities

Where the landlord is the client for a contract it has legal responsibilities to make sure that it:

- appoints competent designers, contractors and construction, design and management (CDM) co-ordinators;
- allows sufficient time for each stage of the project from concept onwards;
- co-operates and co-ordinates with others in the project to allow them to comply with their duties;
- ensures there are reasonable management arrangements in place throughout the project;
- ensures the contractor has provided adequate welfare facilities on site; and
- passes on any relevant information likely to be needed by the project team.

## The landlord's general responsibilities

In the HSE's recent investigations the landlords had little or no control over the appointment of the contractor, designer and CDM co-ordinator due to the way the project was funded. However, even in situations like this, as the landlord is likely to be the client it should ensure that it takes appropriate action:

- Be proactive in understanding the nature of the works to take place. Ensure that works contracts stipulate industry standards and regulations (such as gas safety) that must be complied with. At the pre-start meeting ask the contractor and CDM co-ordinator how they will ensure the gas flues, within the properties, will be kept safe during scaffold erection, over cladding, roughcasting and scaffold dismantling. The contractor should be able to produce a written method statement detailing how this will be done. The landlord could insist that work does not start until these documents are reviewed by the CDM co-ordinator and deemed fit for purpose.
- Ask contractors about the arrangements that will be put in place to ensure that access to the properties, to extend the gas flues, will be undertaken in line with the other onsite activity and progress plans. The landlord can also become more involved in arranging access to tenants' and residents' properties.
- Attend site progress meetings and ask questions. In a recent investigation by the HSE, the landlord was aware of an incident where a gas flue had been dislodged. The landlord raised this at the site meeting as a complaint, because the tenant had called out a gas engineer when the boiler failed to work. However, the landlord missed the opportunity to question the contractor further about why it had happened, and what the contractor was doing to prevent a repeat situation. Had the landlord asked appropriate questions this may have stopped a second carbon monoxide incident occurring.
- Overall, in order to minimise the risk to tenants or residents, landlords should be assured that sufficient checks are being carried out on the standard of work being undertaken throughout the period of the contract. Some landlords also ensure that gas safety inspections are undertaken and CP12 forms issued on completion of external insulation and associated works.

**If you are subject to a HSE investigation regarding this matter then you should report this to us at:**

Scottish Housing Regulator  
Highlander House  
58 Waterloo Street  
Glasgow  
G2 7DA

Email: [SHR@scottishhousingregulator.gsi.gov.uk](mailto:SHR@scottishhousingregulator.gsi.gov.uk)  
Telephone 0141 271 3810

Information on the role and responsibilities of the client can be found at:  
<http://www.hse.gov.uk/construction/cdm/clients.htm> and in an HSE leaflet at  
<http://www.hse.gov.uk/pubns/indg411.pdf>.

Reference should also be made to:

Gas (Installation and Use) Regulations 1998; and Construction (Design and Management)(CDM) Regulations 2007.

