

The landlord status of Shared Lives carers and their relevant responsibilities

This guidance aims to provide clarity on the landlord status of Shared Lives carers and their responsibilities for gas, electrical and fire safety. This has been an area which has caused some confusion to Shared Lives schemes and Shared Lives carers. To ensure we can provide clarity on this issue we have sought legal advice.

The advice we have received has confirmed that Shared Lives carers are landlords, as they receive rent from people who use Shared Lives. Landlords have a range of legal responsibilities and obligations set out in the Housing Act 1988 (and 2004) and the Deregulation Act 2015. These pieces of legislation set out the requirements for people living under an assured shorthold tenancy and do not apply to people living under a license agreement. For any Shared Lives arrangement which uses a license agreement this means that any requirements relating to an assured shorthold tenancy do not apply.

The requirements on Shared Lives carers in relation to gas and electrical safety depend on whether they are living in rented accommodation, or whether they own their own property (owner occupier)

If a Shared Lives carer is living in rented accommodation the responsibility for any household checks regarding things like gas and fire safety are the responsibility of the Shared Lives carer's landlord.

According to the Housing Act 1988 (schedule 1, paragraph 10) a Shared Lives carer who is an owner occupier would be classified as a residential landlord. This requires them to meet the expectations set out under the Gas safety (installation and use) Regulations 1998 (this legislation applies in England, Scotland and Wales) and requires the Shared Lives carer to ensure:

- all gas appliances are maintained in good working order.
- an annual Landlord's gas safety check is carried out by a recognised engineer who is approved by [Regulation 3 of the "Gas Safety \(installations and use\) Regulations 1998"](#). There is a legal duty on the owners of residential properties which rent out rooms, to have these checks safety checks on gas appliances which are provided for people renting rooms in the property (people using Shared Lives). Details of what is included in the annual gas safety record is available from <https://www.gassaferegister.co.uk/help-and-advice/gas-safety-certificatesrecords/gas-safety-record/>. Shared Lives carers who are landlords to people using Shared Lives, have a duty of care to people living with them in a Shared Lives arrangement. If the Shared Lives carer does not have an annual gas safety record they could be fined by the Health and Safety Executive (HSE) up to £6000 or potentially face up to 6 months in prison.

For Shared Lives carers who own their own homes this means that they need to have a landlord's gas safety check completed every year. Many Shared Lives carers will already get an annual gas safety check and gas appliances serviced through their utility provider, but this is not enough to meet their obligations as a landlord under the Gas safety (installation and use) Regulations 1998. [The Gas Safe Register](#) provide a clear list of responsibilities for maintenance, gas safety checks and a record of any checks completed. They also provide clarity on what is meant by the maintenance, gas safety checks and a record.

Responsibilities regarding electrical safety

Any electrical appliances within the Shared Lives carer's home should be safe to use. For Shared Lives carers living in rented accommodation this would be their landlord's responsibility. For Shared Lives carers who own their own home, the checking of electrical appliances would be their responsibility. The Residential Landlord's Association (RLA) has produced some useful guidance on this topic: https://www.rla.org.uk/landlord/guides/responsibilities/electrical_inspections.shtml

Their guidance sets out the legal requirements for residential landlords i.e. Shared Lives carers who are a residential landlord. It covers the main areas for electrical safety, which are electrical installations and electrical appliances.

- For electrical installations such as wiring, switches and sockets, Shared Lives carers should carry out regular basic visual checks for broken, damaged or scorched items. Any new electrical installation work must be legally carried out by a qualified electrician. The Institute of Electrical Engineers recommends that any electrical installation should be checked by a qualified electrician, but there is no legal requirement to do this.
- For electrical appliances there is no legal requirement for people who provide rented residential accommodation to provide portable appliance test (PAT). For Shared Lives carers this means there is no requirement for them to PAT test electrical equipment used by themselves or people using Shared Lives, in their home. The exception to this would be if a Shared Lives carer had an employee working or living in their home.
- When checking portable appliances (meaning anything which can be plugged into an electrical socket and which can be moved), a Shared Lives carer who is a landlord should check portable appliances for:
 - a CE mark, which means it complies with all relevant health, safety and environmental protection legislation
 - Any additional safety marks e.g. [British Standard Guidance Mark](#) or the [BEAB Care Mark](#). This is something a Shared Lives carer should do and there is no requirement for a Shared Lives schemes to check every appliance in the Shared Lives carer's home.

Fire safety responsibilities as a landlord

Fire safety is covered extensively in our Fire Safety Codes for England, Scotland and Wales. The information in this section focuses specifically on any fire safety requirements for landlords. If the Shared Lives carer lives in rented accommodation, any fire safety requirements, would be the responsibility of their landlord. If a Shared Lives carer is an owner/ occupier, they will have some responsibilities regarding fire safety. People living in a Shared Lives arrangement are defined as being a single household under The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006. This means that Shared Lives carer's homes are not required to meet the requirements of a house of multiple occupation, including those of fire safety. Home Safety have produced a useful list of the relevant regulation which may apply for each country <http://homesafetyguidance.co.uk/landlord-legal-requirements>. Generally, the requirements for fire safety are covered extensively on our Fire Safety code guidance, but the key points from the legislation are:

- a smoke alarm is equipped onto each storey of a premises on which there is a room which is partly or wholly used for living accommodation (the location of these and type required i.e. mains or battery powered depends on when the property was built and the country it is in)
- carbon monoxide alarms in rooms with appliances which burn, or which can burn solid fuel i.e. wood burning stoves and open fires. Shared Lives Plus recommends that all Shared Lives carers should have carbon monoxide alarms in their homes as an additional safety precaution.
- Ensuring there is an easy means of escape for individuals in the home this will vary according to:
 - the height of and number of storey's in the property
 - when the property was built
 - if the property has had a loft conversion
- Ensuring that as far as possible people living in the property understand what they need to do in the event of a fire. This should be a joint responsibility between with the Shared Lives scheme and the Shared Lives carer.
- Fire doors are generally not required in a Shared Lives carer's home, so long as the property is a two-storey domestic home. The only time a fire door will be required in a two-storey house, is if there is an internal garage door.
- The Shared Lives scheme and Shared Lives carers should be aware that additional fire precautions may be needed for a 'non-standard house' (i.e. a house on more than two storeys). The Shared Lives scheme, in such cases, should support the Shared Lives carer to take advice from the local Fire and Rescue Service.

Responsibilities regarding the Minimum Energy Efficiency Standards Regulations

The Minimum Energy Efficiency Standard (MEES) aim to encourage landlords and property owners to have more energy efficient properties in England and Wales. Shared Lives carers fall outside of the regulations regarding Minimum Energy Efficiency because license agreements are used for live-in Shared Lives arrangements. The government have produced useful [guidance on](#) this, with section 1.11 and 1.13 being relevant. This states that the regulations only apply to properties of a certain tenancy type, which does not include licenses.

Room sizes in Shared Lives

In properties which are classified as a house of multiple occupation, there is a [requirement](#) that bedrooms are at least 6.51 metres squared. This legislation does not apply to Shared Lives carers homes. The reason for this is that Shared Lives is excluded from The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006. In Shared Lives there is no specific requirement regarding the bedroom size of people who use Shared Lives.

Please contact Mark Gallagher at Shared Lives Plus if you have any further questions regarding this guidance.

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