



# HOLIDAY HOME INDUSTRY CODE OF PRACTICE

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# Health and Safety General

## 1. What is the Legislation

The Health and Safety at Work Act etc. 1974

Occupiers' Liability Act 1984

There are additional regulations covering specific subjects including work equipment, hazardous chemicals, electricity, gas, legionella disease,

## 2. What does the Legislation Say

Under the Health and Safety at Work Act, as the operator of a self-catering property, you are responsible for ensuring, so far as is reasonably practicable, the health, safety and welfare of all your employees at work such as cleaning staff. You also have a wider responsibility to ensure, again so far as is reasonably practicable, the safety of other people who are affected by your business, such as contractors, guests and visitors to the property

The Occupiers Liability Act makes you responsible for the safety of everyone who comes onto the premises. You have what is known as a 'duty of care' to guests and other visitors, and must make sure that the premises are reasonably safe for the purpose for which guests were invited to use them.

## 3. How to Comply with the Legislation

To comply with the law, you must have a health and safety policy that includes the arrangements for managing safety in your business, and in addition if you employ five people or more, this must be written down. To comply with this Code, your policy and risk assessments must all be written down, without regard to the number of employees.

In most cases the policy will be short and will set out a commitment to management of health and safety together with who is responsible for what and how you manage things.

You must undertake a general analysis of the risks posed to people visiting your premises, whether they be guests, visitors, employees or contractors, and determining what actions need to be taken to minimise these risks.

There is a five-stage process for carrying out a risk assessment

### **Step 1: Identify the hazards**

The first stage is to identify all potential hazards. For ease of assessment, these hazards can be broken down into the following five groups:

### **Physical Hazards**

This includes:

- Things that could cause people to slip or trip
- Any machinery or electrical equipment
- Use of ladders, steps, or other equipment
- Ponds, wells and other landscape features
- Equipment used by children (e.g. play equipment or cots) or that is hazardous to children (e.g., choking hazards such as cords on blinds).
- Threats of a criminal nature e.g. violence
- Gas
- Falls from height
- Glass panels into which someone might walk

### **Chemical Hazards**

This includes:

- Cleaning materials and fluids
- Hazards related to building materials such as asbestos
- Chemicals such as garden sprays and paint
- Swimming pool and spa bath chemicals

### **Biological Hazards**

This includes:

- Cleaning of any human waste or fluids
- Any environmental hazards such as Legionella, mold or water from wells or springs
- Waste from guests' pets

The above is not an exhaustive list and it is essential that you carefully consider everything and anything in the specific property that could potentially lead to harm to a person.

You should record your assessment of how serious the risk is arising from each hazard. For example, the probability of falling into a disused well might be very low but the consequences could be death therefore that is considered a high-risk situation. Conversely the probability of catching a splinter on some rough timber might be fairly high but the consequences might be trifling, therefore this is a much lower priority.

It is often useful to note the probability of a hazard causing harm (high, medium, low) and the severity of the possible consequences (serious, medium, low).

You may ignore the trifling hazards of everyday life.

### **Step 2: Identify the People at Risk**

This includes:

- Guests (note that “guests” includes small children and babies, and that guests could be disabled or hearing impaired)
- Staff (note that you have special duties towards the health and safety of young workers, disabled employees, shift-workers, and pregnant or breastfeeding women)
- Contractors
- Neighbours, if potentially affected

### **Step 3: Minimise Risks**

Having identified the hazards and the people at risk, the next step is to eliminate or minimize the risks. This means considering how likely it is that each hazard could cause harm and the level of harm that could be caused and taking action to reduce the risk as far as is reasonably practicable. For example, some of the following actions might be necessary:

- Removing or clearly marking trip hazards
- Replacing materials that could cause slippages
- Covering, fencing or removing hazards located on the property outside the premises
- Ensuring all electrical equipment that is not double insulated is PAT tested every two years
- Undertaking electrical circuit testing every five years
- Undertaking visual inspection of electrical equipment between every change-over
- Making sure all cleaning fluids, chemicals and paints are in sealed containers and, if potentially harmful, kept in locked storage
- Checking that all equipment and furnishings comply with relevant safety standards and are regularly checked for defects
- Ensuring that workloads for staff are reasonable
- Ensure that staff have suitable equipment for handling any hazardous material
- Develop training programs and guidelines for staff to ensure that they are able to handle hazardous materials in a safe manner
- Identify any asbestos material on the property and take action to make sure that it is made safe. If in doubt, undertake an asbestos survey using an accredited surveyor.
- Carrying out maintenance work where necessary to put something into safe condition
- Redesigning to eliminate a risk (e.g. move something to a position that can be reached without steps)
- Introducing equipment that eliminates the need for a hazardous process
- Changing to non-hazardous cleaning products
- Installing fences or hand-rails
- Regular inspection of trees, sheds, and garden equipment

The above cannot be considered a definitive list. You must consider all hazards at the specific property. If you have a spa pool or swimming pool, any sports facilities or other special feature you must carry out a specific risk assessment for it

#### **Step 4. Record, plan, inform, instruct and train**

To comply with this Code, you need to record the assessment to demonstrate your compliance with the law. You need to include:

- Details of the actions taken
- Details of maintenance programmes for equipment or facilities
- Details of the instructions given to guests, staff and contractors on potential hazards or the use of any equipment
- Details of any training given to staff or contractors
- Details of changes to work regimes aimed at minimizing hazards

This record provides proof that the assessment was carried out and is used as the basis for a later review.

#### **Step 5: Review the risk assessment.**

To comply with the Code, the health and safety assessment needs to be reviewed every year and updated if necessary. The date of the review should be recorded. It also needs to be reviewed when:

- Alterations are made to the building or the surrounding garden and landscape
- Any changes are made to the workload or duties of staff or contractors
- New equipment is provided to staff or guests
- Any other change is made that affects it

### **Public and Employer's Liability Insurances**

As part of this code, you are required to have Insurance to cover any liability that may arise under either the Health and Safety at Work Act or the Occupiers' Liability Act.

Public liability Insurance to the value of £3m is required to cover your liability to guests, contractors and visitors for any injury, loss and damage while on your premises.

Employer's Liability Insurance to the value of £3m is also required if you have any staff, even if they are just part-time.

## **4. Template**

The law does not prescribe a format for a health and safety risk assessment. It need not be a literary work – it may be in note form. The essential requirement is that you record what hazards you identified, and the actions taken, if necessary, to reduce risk. Templates are provided on the HSE website if wanted.

# Fire Safety

## 1. What is the Legislation

Regulatory Reform (Fire Safety) Order 2005

## 2. What does the Legislation Say

As the operator of a self-catering property, you are legally responsible for the safety of your guests and any workers employed on the property such as cleaners or maintenance workers. This is regardless of whether the workers are staff members or contractors.

To fulfil this duty, the legislation requires a 'responsible person' to undertake a Fire Risk Assessment (FRA) of their property and to take action where necessary. While the legislation only requires you to record the assessment if you employ five employees or more, under this Code you are required to keep a written record of the assessment and update it annually.

Under this Code of Practice, any booking agent that handles customers' booking monies for holiday letting a property must hold a copy of the up to date FRA.

## 3. How to Comply with the Legislation

The basis of the assessment is to determine and minimise fire risks on the premises and evaluate how your guests, or any workers on the property, would be alerted to a fire and quickly escape from the building (2.5 mins is the target time).

A fire risk assessment is undertaken in stages:

### Step 1. Identify the fire hazards

This includes:

- Potential sources of ignition such as cooking equipment, electricity, smoking (whether permitted or not), boilers and fires.
- Sources of fuel such as combustible materials that may burn including furnishings and furniture, flammable materials such as those liquids used for cleaning or maintenance purposes, heating fuels such as coal and logs, and oil and petrol used for garden machinery.

### Step 2. Identify the people at risk

Include:

- Guests (note that "guests" includes small children and babies and that guest could be disabled or hearing impaired)
- Staff
- Contractors
- Neighbours

### **Step 3. Identify how people will be alerted**

Consider how people in the property will be alerted to a fire, especially when asleep. Consider in particular whether smoke or other alarms would be effective in waking sleeping guests including those sleeping heavily. Consider how hearing-impaired guests would be alerted in the event of fire. You must take into account the likelihood of consumption of alcohol in the property, which reduces people's alertness.

### **Step 4 Identify how people will escape from the building**

Evaluate escape routes, taking account of the locations of the most likely sources of ignition, and consider how easily and quickly those routes could be followed including in darkness. Consider any barriers to rapid exit such as locked doors, long corridors, or routes that pass close to the most likely source of ignition and hence the seat of a fire. Consider whether guests would be able to see their exit routes if the electricity supply had failed. Consider alternative escape routes if the most obvious exit path is blocked by fire.

You must take into account the size of the property, the length of escape routes, and the number of people likely to be in the property (especially overnight). Consider in addition that smoke is a major danger in a fire and whether escape routes would be heavily affected by smoke.

### **Step 5. Reduce risks to a minimum by control measures**

Having identified the hazards and the people at risk, the next step is to eliminate or reduce risk. Whilst damage to property may be considered, the priority is to ensure that there are systems in place to alert people to a fire and enable them to escape rapidly from the burning building. When carrying out a fire risk assessment you must consider the circumstances at the specific property concerned and every property is different. You should consider whether any or all of the following possible control measures (or other measures) are relevant to the property and would reduce risk to persons in it.

- Installing smoke detectors with a flashing lights as well as sirens
- Installing linked smoke alarms that cause all the alarms to sound if one detects smoke (whether wired or a radio-based system)
- Installing a comprehensive fire detection and alarm system, usually in larger premises
- Assessing the routes by which any person in the building would escape a fire to ensure that they provide quick and obstacle-free egress
- Ensuring that doors that may be used to escape from the building (including internal doors along the route of escape) can be opened from the inside in emergency without the need for a key
- Providing emergency escape ladders for sleeping accommodation on the upper floors of buildings
- Storing flammable cleaning materials in an outside shed
- Ensuring chimneys are swept annually

- Fitting smoke seals to internal doors to delay the spread of smoke
- Fitting fire-resisting internal doors to delay the spread of fire
- Ensuring that window locks do not prevent emergency escape
- Ensuring that furniture and furnishings meet fire safety requirements and are located away from heat sources.
- Providing coal and log buckets with lids
- Fitting hand-rails on stair-cases that may facilitate emergency exit in conditions of smoke or darkness
- Ensuring all furniture and furnishings are compliant with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (See Safety of Furniture and furnishings section)
- Providing fire-fighting equipment as fire blankets or fire extinguishers to use on the identified risk. These should be located in conspicuous places that will be accessible.
- Providing emergency lighting and luminated exit signs, especially where there are long escape routes, as guests will be unfamiliar with the lay-out of the property.
- Providing information for guests about any specific or unusual hazards

You are obliged to implement the measures that are needed to reduce risk as low as is reasonably practicable. Availability of finance may not be taken into account, but a balance may be struck between the cost of a measure, on the one hand, and its effectiveness in reducing risk. Therefore, it is not necessary to implement an expensive or very difficult measure that has negligible impact on the level of risk, but a measure that is practicable to implement and that reduces risk significantly must be implemented regardless of whether your business can afford it.

#### **Step 6. Record, plan, inform, instruct and train**

To comply with this Code of Practice you need to record the assessment to demonstrate your compliance with the law. You need to record:

- Details of the findings of each of the previous stages
- Notes of what control measures you have decided to implement, following your analysis of the risks
- Details of the maintenance and servicing any equipment such as smoke alarms and extinguishers
- Details of any training given to staff or contractors

The written fire risk assessment does not have to be a work of literature or in any prescribed format but it should record in some detail the process that you followed, your findings, and the reasons for your conclusions, as well as the actions taken.

#### **Step 7. Review the assessment**

To comply with the Code of Practice, the fire safety assessment needs to be reviewed every year. It also needs to be reviewed when alterations are made to:

- The structure of the building
- The layout of the building



- The use of rooms within the building
- Access routes in and out of the building

#### **4. Providing copies**

When the Fire Risk Assessment has been completed, you must provide a copy to any booking agent you use and you are to advise customers on your website that a copy is available on request.

#### **5. Using a Consultant**

It is acceptable to engage a consultant to give advice and help. This is unlikely to be necessary in the case of small properties. Responsibility for the fire risk assessment remains with the responsible person of the property in all cases.

# Smoke and Carbon Monoxide Detectors

## 1. What is the Legislation

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015  
Control of Substances Hazardous to Health Regulations 2002

## 2. What does the Legislation Say

The Control of Substances Hazardous to Health (COSHH) Regulations, while not prescriptive on the use of smoke and carbon monoxide detectors. Require employers to either prevent or reduce the exposure of workers, contractors or other people to substances that are hazardous to their health.

The Smoke and Carbon Monoxide Alarm regulations require landlords to have adequate smoke alarms installed on every story of their property so that they pick up smoke at the earliest possible juncture and can be heard in every bedroom if the alarm sounds and a carbon monoxide alarm in any room containing a solid fuel burning appliance (e.g. a coal fire, wood burning stove or oil boiler).

Although these regulations do not apply to self-catering properties, this Code of practice uses compliance with the requirements of these regulations as being the way by which owners of self-catering properties fulfil their duty of care under the COSHH Regulations.

Under this Code of Practice any booking agent facilitating the handling of customers' monies for holiday letting a property must hold a copy of an up-to-date risk assessment or set of risk assessments that include smoke detection, and, in the case of property where carbon fuels are used, carbon monoxide detection. Agents should require all risk assessments to be reviewed and if necessary updated annually and should verify that this has been done by the owner or other person responsible for the management of safety in the property. Customers have the right to know the booking agent they're confirming their holiday with will have reasonably endeavoured to ensure that the owner or manager of the holiday home is providing a safe environment and following best practice principles.

## 3. How to Comply with the Legislation

To comply with this legislation the owner or manager must:

- Install at least one smoke alarm on every storey of your property that is used as living accommodation. Each detector must be clearly audible in every room of the property. If this is not possible, the detectors should be linked so that when one alarm is triggered, all alarms are activated.

- Install a carbon monoxide alarm in any room used as living or sleeping accommodation where gas or solid fuel is used. Solid fuel means appliances that use products such as coal, wood, oil and wood pellets.
- Ensure that the alarms are in working order between each new booking in case any damage has occurred or the batteries have been removed.
- Undertake regular tests to ensure that the detectors are functioning properly.

# Electrical Safety and Safety of Electrical Equipment

## 1. What is the Legislation

Electrical Equipment (Safety) Regulations 1994  
Electricity at Work Regulations 1989

## 2. What does the Legislation Say

The regulations require you to provide guests, staff and contractors with electrical equipment that is safe with no, or minimal, risk that it will cause injury or death either directly (e.g., through electrocution) or indirectly (eg., causing a fire).

Under this Code of Practice, any Booking Agent that handles customers booking monies for holiday letting a property must hold a copy of a valid fixed electrical circuit test that is no older than five years.

## 3. How to Comply with the Legislation

To comply with this Code of Practice you must do the following:

- Buy new electrical equipment that is sourced in the UK. Electrical equipment sourced overseas may not comply with UK standards.
- Only buy items from a reputable source.
- All electrical appliances that are not double insulated must be PAT tested every two years
- All electrical appliances must be visually inspected for damage between lettings. Ensure that staff servicing properties between bookings are trained to check portable appliances for signs of damage including to plugs and wires and remove any damaged equipment from use.
- A record must be kept of all Portable Appliance Testing (PAT) which includes
  - the date of the check
  - a list of all appliances checked
  - confirmation that the check was made by a competent person.
- Ensure electrical circuits are tested every 5 years

A copy of this record must be available to be provided to the guests if requested. Under this Code of Practice, any Booking Agent that handles customers monies for letting a property must hold a copy of the valid up-to-date electrical safety certificate for the property.

# Gas Safety

## 1. What is the Legislation

Gas Safety (Installation and Use) Regulations 1998

## 2. What does the Legislation Say

The regulations specifically deal with the installation, maintenance and use of gas appliances and fittings and flues in domestic, residential and commercial premises, including self-catering properties.

They state that you have a duty to ensure that gas appliances under your control are 'maintained in a safe condition so as to prevent injury to any person'. This includes staff or people that you contract to work on your premises (e.g. cleaners).

Under this Code, any booking agent that handles customers' monies for letting a property must hold a copy of the valid up-to-date gas safety certificate. This should be renewed yearly and monitored to check any recommendations are being attended to.

The regulations apply whether gas is mains-supplied or supplied from a refillable storage tank.

## 3. How to Comply with the Legislation

There are four main requirements that must be met in order for you to comply with the Gas Safety Regulations.

### **Work on Gas systems and appliances**

You must have any work on gas systems and appliances carried out by a Gas Safe Registered fitter.

### **Emergency Valve**

Under this Code, a valve enabling the occupant of the property to cut off the supply of gas in an emergency must be provided and accessible, and guests' attention must be drawn to the location and method of use of this valve.

### **Information**

Guests and workers must be provided with copies of the instructions for the use of all gas appliances.

**Maintenance**

You are required to ensure that all piping, appliances and flues are maintained and in a safe condition. All appliances must be maintained in accordance with the manufacturers' instructions and in accordance with the frequency stipulated by the manufacturer. Any fittings that do not come with manufacturers' instructions, such as piping, must be included in the annual Gas Safety check by a Gas Safe registered person.

**Annual Inspection**

All gas appliances and fittings must be subject to an annual inspection carried out by a Gas Safe registered engineer. The inspection may be carried out up to two months before it is due, and this will count as if it had been carried out on the anniversary of the previous check.

**Recording**

You must keep a written record of the Gas Safety check until two further annual checks have been carried out. This record must contain the following information:

- the date of the check
- location and details of the appliances and fittings inspected
- any defects found and the action taken to repair the defect
- a confirmation that the check was made by a registered Gas Safe Engineer

A copy of this record must be provided to the guests in the information folder for the property. Under this Code, any Booking Agent that handles customers' monies for letting a property must hold a copy of the valid up-to-date gas safety check record.

# Legionella

## 1. What is the Legislation

The Control of Substances Hazardous to Health Regulations 2002

## 2. What does the Legislation Say

The COSHH Regulations state that you must assess the risk associated with all hazardous substances that are found, or could be found, on your premises. While this legislation generally refers to substances such as household cleaning fluids and pool cleaners, Legionella is defined as a hazardous substance.

You have a duty to ensure that your guests, staff and contractors are not exposed to legionella and that you have measures in place to ensure that the legionella bacteria do not become established on your property

## 3. How to Comply with the Legislation

Legionnaires Disease is a potentially fatal form of pneumonia caused by Legionella bacteria. While these bacteria are common in natural water systems they usually occur in numbers too small to cause health problems. However, in the right conditions these bacteria can multiply quickly and cause a significant health risk.

There is very little risk of legionella occurring if there is no storage of hot water. As such, properties with systems that provide water heating on demand present very low levels of risk. However, there is a greater risk where water is maintained between 20 – 45C, is stored or recirculated, where there is source of nutrients in the water including rust or scale, or where there are aerial water droplets. This means that water tanks, spas or Jacuzzis, air conditioning units and showers are the most common places for the bacteria to breed.

This risk is heightened where a property is left vacant for long periods, enabling the bacteria to breed to dangerous levels.

### Legionella Risk Assessment

You are required by law to undertake a risk assessment, and undertake any subsequent remedial actions, in order to protect both your guests, staff and contractors from legionella. While legionella is potentially fatal disease, if your property has a normal, modern residential water system, then you should not require a professional Legionella risk assessment. However, if you have a large self-catering complex or you are uncertain about the water supply system for your property (i.e., it is not modern and there could be redundant pipework, then a professional assessment is recommended).

## **Risk Assessment**

To undertake the risk assessment, you need to undertake the following three actions.

### **1. Assessment**

- Make sure that no debris is getting into the system (e.g., ensure any water tanks have a tight-fitting lid).
- Make sure that the hot water cylinder thermostat is set to at least 60C and to test the temperature of the hot water to ensure that the thermostat is operating correctly
- Make sure there is no redundant pipework in which water could become stagnant
- Make sure showerheads are regularly cleaned and disinfected.
- If you have machinery that contains water such as air conditioning units or a Jacuzzi, then special attention needs to be made to ensure that this is serviced and cleaned.

### **2. Recording**

You need to record:

- The results of your assessment and what remedial action you took as a result
- The maintenance plan that you developed on the basis of your assessment

### **3. Maintenance Plan**

You need to develop and implement a maintenance plan to ensure legionella does not become a problem. This maintenance plan must include:

- The yearly servicing and cleaning of any machinery that includes water such as air conditioning units or a jacuzzi.
- Emptying all water systems where the property is unused for longer than three months
- Turning off water heating systems when not needed for more than a day
- Disinfecting the showerheads where the property is unused for longer than a month



# Private Water Supplies

## 1. What is the Legislation

Private Water Supplies (England) Regulations 2016

## 2. What does the Legislation Say

If any part of the water supply for your accommodation business comes from a private supply, intended for human consumption (including all kitchen uses), you are required to inform your local authority so that they can undertake regular testing of the quality of the water. The regulations do not apply to water used only for irrigation or gardening purposes or solely for animals. For each supply they will record:

- the name of the supply, together with a unique identifier
- the type of source
- the geographical location, using a grid reference
- an estimate of the number of people supplied
- an estimate of the average daily volume of water supplied in cubic metres
- the type of premises supplied
- detail of any treatment process, together with its location
- the name of the Health Protection Agency in whose area the supply is located.

After an initial assessment, the local authority will monitor the supply on an ongoing basis with the regularity of the sampling depending upon the volume of water used - from once a year for supplies of less than 10 cubic metres per day to 34 times a year for supplies of up to 10,000 cubic metres per day.

The local authority must carry out a risk assessment of your supply every five years.

If the water supply fails to meet the safety standards, the local authority can insist the water supply is improved. If it is deemed that the water constitutes a potential danger to human health, the local authority will serve a notice to you ordering you to stop using the water supply until the problem is resolved.

## 3. How to Comply with the Legislation

To comply with this legislation, you must:

- Inform your local authority if you are drawing water for property from a private source and have the water tested before letting it to customers
- Ensure that the council tests the water supply in accordance with the testing regime established when the initial test was undertaken.

- Inform any booking agent marketing your property that you are using a private water supply and forward them the latest test report.
- Inform customers that the property is on a private water supply and have a copy of the latest report available for customers to view if requested
- Immediately inform customers and the booking agent and close the property if the local authority testing indicates that the water supply represents a potential danger to human health. Do not reopen the property until the council deems the water supply to be safe.

# Safety of Furniture and Furnishings

## 1. What is the Legislation

The Furniture and Furnishings (Fire) (Safety) Regulations 1988  
The General Product Safety regulations 2005

## 2. What does the Legislation Say

The Furniture and Furnishings Regulations apply only to upholstered furniture supplied for domestic use. As most self-catering properties are regarded as domestic in nature, furnishings and furniture in these properties has to comply with these regulations.

All furniture and furnishings in self-catering accommodation that are covered by the regulations must comply with certain safety tests. These are:

- Upholstered furniture must pass a prescribed cigarette resistance test
- Cover fabric, whether for use in permanent or loose covers, will have to pass a match resistance test
- Filling materials for all furniture must pass ignitability tests as specified in the regulations
- All new upholstered furniture (except mattresses and bedding) and loose and stretch covers for furniture must carry a permanent label detailing compliance with fire safety requirements.

The regulations apply to furniture and furnishing items made after 1950. As such, if you have furnished your property with antique furniture, this will be exempt. However, it does apply to all post-1950 items including:

- domestic furniture, including children's furniture
- beds and divans (including their bases and headboards), mattresses of any size
- sofa beds, futons and other convertibles
- nursery furniture (e.g. highchairs, cots and playpens)
- domestic garden furniture
- scatter cushions and seat pads
- pillows

The General Product Safety Regulations, 2005 is a more general piece of legislation which places an obligation on all businesses to supply and professionally install safe products. This applies to all furniture, furnishings and fixtures in a rental property. These regulations are particularly relevant to the installation of blinds and curtains as you are required to buy and install the child safety compliant products.

### 3. How to Comply with the Legislation

All new furniture and furnishings are required by law to comply with the regulations. Therefore, you should always aim to furnish your property with new furniture and furnishings. To comply with this Code, you must:

- Always purchase new furniture and furnishings from a reputable seller and always ensure that upholstered furniture and furnishings have labels saying that they conform to the regulations.
- Not buy items from second hand shops, auction houses or online auction sites where you cannot confirm that the item meets the standards of the regulations.
- Not use fire retardant sprays on upholstered furniture or furnishings. It is difficult to gain even coverage, to know whether an item has been sprayed sufficiently to meet the standards set in the regulations or to know how long the protection will last.
- Make sure that items you are having re-upholstered are done so with materials that comply with the regulations.
- Replace or refurnish furniture or furnishings made prior to 1950 so that they comply with the regulations
- Only supply high chairs, cots or children's play equipment if:
  - Staff have been properly trained to assemble the equipment for the customer, or:
  - The customer has been supplied with clear written instructions on how it should be assembled, or:
  - It is supplied with no assembly requiredIn all cases, the customer must be provided with clear written instructions on how to operate the equipment.
- All curtain and blinds must be fitted in accordance with manufacturer's instructions so that they do not present a choking hazard for small children.

# Disabled Guests

## 1. What is the Legislation

The Equality Act 2010

## 2. What does the Legislation Say

Under the Equality legislation, people with disabilities are deemed to be those whose physical and mental impairments have a substantial and long-term adverse effect on their ability to carry out normal, day-to-day activities. This includes those who have progressive conditions such as cancer, HIV and AIDS, multiple sclerosis, muscular dystrophy and who are likely to become increasingly disabled by their illness over time.

There are four types of disabled discrimination covered by the Equality Act. They are:

- Direct discrimination
- Indirect discrimination
- Discrimination arising from a disability
- Discrimination by association

### **Direct discrimination**

This is discrimination directly associated with a person's disability. You need to make sure you treat disabled customers the same as you treat other customers. You would be treating guests with disabilities less favourably if you:

- refuse to serve them
- offer less favourable terms
- offer a lower standard of service compared with what you normally offer.

For example, direct discrimination would occur if you refused to rent a self-catering unit in block to someone with Tourette Syndrome on the basis that they could offend people in other units.

### **Indirect discrimination**

This is where a policy, while applying to all customers, would have a greater impact on disabled customers. For example:

- If you provide instructions for the use of the television in a property in 11-point type with no large-print alternative, this would have a greater impact on those with a visual impairment than on others.

### **Discrimination arising from a disability**

This is where the discrimination is based on a consequence of the disability rather than the disability itself. For example:

- Replacing your glass and crockery with plastic cups and plates because you think that a person with muscular dystrophy they might break them

### **Discrimination by association**

This is discrimination against someone associated with a disabled person such as a carer, friend or member of the family. For example:

- Refusing the booking of an able-bodied couple because you know they have a disabled child

To make sure that you do not discriminate against disabled guests the law requires you to make reasonable adjustments to the way do deliver your services. This comprises two components

1. You have had a duty to take reasonable steps to remove, alter or avoid any physical barriers that make it impossible or unreasonably difficult for disabled people to make full use of facilities.
2. You have a duty to make reasonable adjustments to the way you deliver your services to make it easier for disabled guests to use them. This includes changes to how you provide information to disabled peoples, changes to policies or procedures and changes to the way services are provided.

### **3. How to Comply with the Legislation**

To comply with this Code, you must do the following:

- Undertake an assessment of your property to determine what reasonable changes you can make to ensure your property is assessible to disabled customers. Remember to assess the property in relation to the needs of people with hearing loss, visual or mental impairment, older people and families with young children – not just wheelchair users.
- Ensure that your website, and any information and instructions that you supply customers is suitable for people with hearing or visual impairments.
- Give staff training as so that they are aware of the requirements of the Equality Act, understand how to avoid the different types of discrimination that can occur and how they should vary the service they provide for customers with different disabilities.
- To comply with this Code, you must produce an accessibility guide to provide customers with accessibility information about your property so that they can make an informed decision as to the suitability of your property in view of their requirements. This guide must be provided to any booking agent you use to market the property.

# Discrimination

## 1. What is the Legislation

The Equality Act 2010

## 2. What does the Legislation Say

Under the Equality Act it is unlawful to discriminate against any customer (that is to treat them less favourably) on the basis of eight “protected characteristics.” These are:

- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour and nationality
- religion or belief
- sex
- sexual orientation
- age – this applies to those aged 18 or above.

The legislation requires you to treat all guests the same in terms of product offered, the service you provide and the price you charge. You are also required to make reasonable adjustments in the way that you provide goods or service to help ensure that you are providing the same level of product, service and pricing to all customers.

Discrimination may be direct or indirect. Indirect discrimination arises when a facility or rule affects one protected group more than other people. For example, if access to a putting green at a self-catering complex was via a stile, older guests would be less favourably treated than younger guests.

There are, however, two circumstances in which you can legitimately vary the product or service that you provide.

### 1. If there is “objective justification” for doing so.

This means that you can vary the service or product if there are justifiable reasons why it cannot be provided to certain groups. You must be able to support any such decision with evidence as opinion alone is not considered to be objective justification. For example, you may decide not to offer a self-catering unit that has a steep staircase to someone who is heavily pregnant or infirm on safety grounds.

### 2. If you are taking “positive action”

You are able to vary the service if doing so is beneficial to the person with the protected characteristic. For example, you could provide discounts for elderly couples to boost midweek bookings.

*Note that while disability is included as one of the eight protected characteristics, the requirements related to the treatment of disabled people are dealt with in a separate section of this standard.*

### **3. How to Comply with the Legislation**

To comply with this Code, you must do the following:

- Undertake an assessment of your property, the information provided on your website and marketing material, and the terms and conditions of your booking contract to make sure that they do not discriminate against anyone with a protected characteristic or treat them differently. For example, removing booking conditions such as “no single sex groups”, “customers have to be over 25” or “families only”.
- Ensure staff are aware of the requirements of the Equality Act and understand each of the eight protected characteristics.
- Ensure your marketing materials do not imply that the property is only suitable for traditional family groups.



# Marketing

## 1. What is the Legislation

The Consumer Protection from Unfair Trading Regulations 2008

## 2. What does the Legislation Say

The Consumer Protection Regulations (CPR) provide a framework for determining whether certain practices are misleading, aggressive or lack due diligence on the basis that they would alter the behaviour of the average customer. In other words, if it can be determined that the customer made a purchase that they otherwise would not have done had they known the full facts of the matter, then the business has engaged in unfair practices.

There are 31 practices that are banned outright under the CPRs. Those that are the most applicable to self-catering businesses include:

- displaying a quality mark (such as an accommodation grading scheme mark) without having the necessary authorisation. This includes displaying a quality mark that is out-of-date.
- falsely claiming that a premise or product has been approved or endorsed by a public body such as VisitEngland
- falsely stating that an offer will only be available for a limited time.

In addition to practices that are banned outright, the regulations cover engaging in misleading practices such as making false or deceptive statements in marketing material or omitting important information that would have a bearing on the customer's purchasing decision. For example,

- stating that the property was secluded when it is overlooked by a neighbouring property
- stating that the appliances or facilities were “top of the range” or “luxury” when they are standard models
- stating that the property was “a stone’s throw” from the sea when it is a five-minute drive.
- Claiming to have views that are, in reality, severely restricted or that have been obscured by growth of trees or foliage
- Omitting to tell customers (including by providing a map) that the property is affected by noise from a nearby main road or railway line
- Any other claim that is either untrue, out of date, or exaggerated

It is important to note that the CPR apply to all claims that you make about the property or services provided regardless of the medium by which they are made. This means that they apply to any claim you make on social media, by text or during a phone call with a customer as well as on your website and any published material.

The CPRs also apply to customer reviews. You must not write fake reviews, ask friends to write reviews or offer inducements to customers in return for writing positive reviews.

It also means that you cannot manipulate the review section of your website by choosing which guests you ask to provide a review, by removing unfavourable reviews or only publishing favourable reviews.

### **3. How to Comply with the Legislation**

To comply with this Code, you must do the following:

- Check all your marketing material, including your website, publications and social media to ensure sure that all claims that you make regarding the property are justified.
- Update your marketing materials whenever there is a material change to claims that you have made. I.e., if you decide to remove a swimming pool or to stop providing free Wi-Fi, then you must update your website and any marketing material accordingly.
- Undertake an annual review of your website and marketing material to ensure that statements remain correct. For example, claims that the property has been “recently redecorated” will become false over time. This annual review must also ensure that you haven’t failed to include any changes that may be important to customers. For example, the construction a distribution centre nearby which means that heavy goods vehicles now pass by the property could be important to customers with small children or animals.
- All changes to statements or claims regarding your property must immediately be relayed to agents marketing your property.
- If it is not possible to change your marketing material before a customer makes a booking, you must inform the customer of the change before they make the booking. If the change occurs between the date of the booking and the customers arrival, then you must inform the customer at the earliest opportunity.
- To comply with this Code, agents and owners are expected to notify customers regarding any construction works or which they are aware being conducted adjacent to the property or ongoing roadworks outside the property. Owners or their agents should have arrangements in place to ensure that they are aware of postal or other notifications of building works from local authorities or other property owners or others.

# Data Protection

## 1. What is the Legislation

**Data protection Act**  
**General Data Protection Regulations**

## 2. What does the Legislation Say

The Act and Regulations have been developed to protect the privacy of individuals by preventing you from using or distributing their personal information in a way that you were not specifically authorized to do.

If you hold personal data on guests, you must notify the Information Commissioner unless you are only holding personal data for one or more of the following core business purposes.

- advertising, marketing and public relations provided that:
- you hold only the data necessary, on the people necessary for you to do your own advertising
- you do not disclose the information to any third party not involved with your advertising without the consent of the person whose data it is
- you only keep the personal information as long as it is necessary to do the advertising
- Staff administration (subject to similar conditions as advertising)
- Accounts and financial records (subject to similar conditions as advertising).

### **Customer Rights**

Under the legislation, your guests have certain rights regarding their personal information. These rights are:

#### **Right to Know how you will use their information**

You can only use the personal information of customers for the purpose for which it was provided and must be clear and upfront with customers as to that purpose. You are not allowed to use their personal information in any way that they did not actively provide consent. For example, if guests complete a registration form, you must tell them if you intend to use that information to send them special offers in future and they must actively consent to you using their information in this way.

#### **Right to withdraw consent**

Customers that have consented to you using their information for a specific purpose have the right to withdraw that right at any time and for any reason. The process for withdrawing consent must be as easy as the process for providing consent – so if there was a tick-box on your website to provide consent to send emails, there should be a tick-box on the email to withdraw consent.

**Right of access**

individuals have a right to know what personal information you are holding and why you are holding it.

**Right to prevent processing for the purposes of direct marketing**

if you receive a written request from an individual to cease using the personal data you hold on them for direct marketing, you must do so.

**Right to prevent processing likely to cause damage or distress**

if you receive a written request from an individual to cease using the personal data you hold on them, because it is causing or likely to cause substantial damage or distress to them or another, you must do so.

**Right to compensation**

Any individual who suffers damage or distress as a result of a contravention of the Act by you is entitled to seek compensation from you if you did not take reasonable care to comply.

**The Right to be Forgotten**

Any Individual can, at any time, request that you remove all their personal data from your system. It is important to note, however, that any Right to be Forgotten request does not override requirements to hold information under other legislation. For example, you are required by law to keep financial records for seven years, therefore a customer couldn't request that you delete records of any financial transactions they undertook in the last seven years.

**3. How to Comply with the Legislation**

Under this Code, you are required to review your data collection, storage and use of data to ensure that you are complying with the Regions. You are also required to inform you guests as to their rights in your information pack.

# Employer's and Public Liability Insurance

## 1. What is the Legislation

The Employers' Liability (Compulsory Insurance) Act 1969,  
Occupiers' Liability Acts

## 2. What does the Legislation Say

As the operator of a self-catering property, you are legally responsible for the safety of your guests and any workers employed on the property such as cleaners or maintenance workers.

There are two forms of insurance that provide cover for you from any claims by your guests and workers – Employers' Liability Insurance and Public Liability Insurance

Under the Employers' Liability (Compulsory Insurance) Act 1969, every employer must have insurance to cover their liability for an injury sustained by an employee at work. If you employ at least one person, you are required to take out and maintain employers' liability insurance cover with a minimum of £5 million for any one claim. Failure to do this is a criminal offence.

Under the Occupiers' Liability Acts Public, you are liable for any injury, loss and damage suffered by guests and other people visiting your premises (ie., contractors or visitors). While there is no legal requirement to take out public liability insurance to cover any liability, taking-out sufficient public liability insurance is a requirement of this Code.

## 3. How to Comply with the Legislation

To comply with this Code, you must:

- If you employ anyone, take out employers' liability insurance to the value of at least £5m
- Take out public liability insurance to the value of at least £5m

Copies of the current in-date certificate of Insurance must be available in the premises so that they can be seen by staff and guests and retained permanently after they expire. Copies of the current in-date certificate must also be provided to the agent each year.

To help you comply, there are specialist insurance brokers for the self-catering industry that will provide insurance packages that include:

- public liability insurance
- employers' liability insurance (if you employ anyone)
- property and contents insurance

# Complaints Procedure

**Note:** These procedures also apply to independent operators and terms used should be considered as including them.

## 1. If a guest has a complaint

Under this Code of Practice, any operator and also any booking agent that handles customers' monies for letting a property must have a guest complaint handling procedure. Customers have the right to know that the booking agent they are booking with will deal with their complaint appropriately as well as the operator.

## 2. If you have a complaint

Most complaints can be dealt with quickly and easily by contacting the company the customer used to book the property and advising a member of the staff of the nature of the problem and what needs to be done to rectify the matter. As a signatory of this Code, the company will take your complaint seriously and it is expected that every effort will be made to remedy the problem during your stay.

Customers are requested to raise any issue or complaint as early as possible, including out-of-hours contact during their stay so that the owner, manager, or agent of the property has the opportunity to remedy the problem.

However, if a complaint is of a substantive nature, the business may need time to carry out further investigations and will not be able to resolve your complaint straight away. If this is the case, the company will inform you and ask you to provide your booking reference and a written outline your complaint (either by email or post) so that the issue raised can be addressed.

## 3. Procedure for Handling a Written Complaint

If you provide a written complaint, it will then be investigated and dealt with in the following way:

### **By 1 Week**

The company will try to provide you with a full reply. If this is not possible, it will contact you to confirm who will be looking into your complaint and the date that it will respond to you, which will be no later than the 28<sup>th</sup> Day.

### **By 1 Month**

Your complaint will have been investigated and the company will have written to you with its response. If your complaint has not been resolved to your satisfaction, you may to contact the company and ask for the complaint to be reviewed by a senior manager.

### **By 2 Months**

The senior manager will have completed the review and write to you with a final response.

## 4. If you are still dissatisfied

If you are still not satisfied at the end of this process, the Holiday Home Association (HHA) offers an independent and impartial dispute resolution service for HHA members only, the outcome of which is binding on the company. Fees are charged for the use of this service. You can start this process by contacting the Chief Executive of the HHA (details below) no later than 6 months after the initial written complaint was made.

**Please note:** this process does not affect your statutory rights

Chief Executive  
Holiday Home Association  
PO Box 567 Hayes  
UB3 9EW  
Email: [ce@holidayhomeassociation.org.uk](mailto:ce@holidayhomeassociation.org.uk)  
Tel: 020 7078 7329



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