

# Blocks of Flats

## Risk Management: Slips and Trips

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### About CLEAR

CLEAR is a Chartered Broker and proud to be a Top 10 Independent Insurance Broker in the UK.

Our considerable experience in the property sector gives us the capacity to design bespoke and exclusive insurance solutions for the whole property market.

Slips trips and falls (STF) are not a trivial problem and are one of the most common causes of non-fatal injuries to general public at blocks of flats/residential estates. Around 95% of major injuries arising from STF incidents involve broken bones. They also account for over half of all reported accidents to members of the public.

The significance of slips and trips has been emphasised since the Health and Safety Executive (HSE) made it one of the “priority areas” in the Revitalising Health and Safety programme. On their “Watch your Step” website the HSE comment that tripping accidents:

- Cost employers around £500m each year
- Account for approximately 16% of compensation claims and
- That 90% of injuries resulting from a trip lead to at least 1 week off work

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The flats themselves are considered to be private dwellings and are thus considered to be “domestic” and are exempt.

You may argue that the communal areas of your block of flats are not a place of work. But the Courts and the Health and Safety Executive (HSE) do include communal areas in health and safety regulations. So if a cleaner, gardener, managing agent or repair contractor enters them, then a risk assessment must be made.

Communal areas do not just mean the internal parts of the building – they also include the roof, structure and other external areas. When carrying out a risk assessment, remember to include all areas including gardens, grounds, plant rooms, meter cupboards and lift motor rooms.

Slips and trips can result in serious injuries and may lead to large compensation awards. Effective solutions are often simple, cheap and easy to implement.

### Legislation

All employers have responsibilities to ensure the safety of both their employees and those not in their employment, under the Health and Safety at Work Regulations Act 1974. The Management of Health and Safety at Work Regulations 1999 describes the duty to conduct a risk assessment and the Workplace (Health, Safety and Welfare) Regulations 1992 set out the specific responsibilities in respect of ensuring a safe workplace.

In addition, those in control of premises have duties under the Occupiers Liability Act 1984. This states that the occupier has a “common law duty of care” and then goes on to define that as:

“A duty to take such care as in the circumstance of the case is reasonable to see that the visitor will be reasonably safe in using the premises for the purposes for which he is invited or permitted by the occupier to be there.”

This clearly extends to the control of slip and trip hazards.

## Key Questions

The following questions should be asked in order to determine whether there is a hazard:

- Is the floor surface in good condition?
- Are there holes, potholes, or uneven paving on footpaths?
- Are there any changes in level on the path that are not easy to see, e.g. small slopes?
- Are fire escapes slippery when wet?
- Can floor conditions change quickly? e.g. because of a build-up of waste, ice, snow, moss, mud etc
- Do people use unlit or poorly lit paths or yard areas?
- Are tripping hazards such as trailing cables routed away from walkways or covered/protected in some way?
- Are spillages cleaned up as soon as possible?

## How to Prevent Slips and Trips?

Slips generally result from some unintended or unexpected change in the contact between the feet and the ground or walking surface. In contrast, trips usually result from some change in level or "smoothness" of the surface. Thus, whilst a paving slab that is "proud" of the pavement presents an obvious trip hazard a sunken slab can also cause a trip. Trips can occur when flat and level surfaces slope away from the walker, both up and down. This shows that good housekeeping, the quality and condition of the surfaces are critical for preventing fall accidents. Whilst issues such as footwear are not under the control of a property owner simple control strategies can cope with many of the other aspects.

## Housekeeping

The HSE estimates that 50% of all trip hazards result from poor housekeeping. Thus good housekeeping is the most important method of preventing slips, trips and falls due to slips and trips. Housekeeping includes:

- Cleaning all spills immediately
- Marking spills and wet areas
- Mopping spillages or sweeping debris from floors
- Removing obstacles from walkways and always keeping them free of clutter
- Covering cables that cross walkways
- Keeping walkways well lit
- Ensure lighting in the communal areas is

adequate and that if bulbs are out, they are changed immediately

- Make sure that stair nosings are secure, carpets are in good condition, path ways and steps have anti slip measures

Try and think ahead, if you have external car parks and paths that in snow and ice are lethal, Order your rock salt well in advance of the bad weather, because when the snow comes, supplies of rock salt are very hard to get.

## Risk Assessment

A risk assessment should be undertaken to identify possible slip and trip hazards:

- Look for slip and trip hazards
- Decide who might be harmed and how
- Consider the risks
- Are there suitable controls in place
- If not, determine new/improved control and implement
- Review on a regular basis

## Records

If there aren't any employees of the landlord working at the block, then there's no requirement to record the risk assessment - but it would be foolish not to do so. If there's an accident and you have no proof of a risk assessment being carried out, you are much more likely to be prosecuted or sued for negligence.

The risk assessment should be reviewed at least annually.

## The Magic "Inch"

Property owners often enquire about the extent to which they might be held liable for an accident that results from a trip on an uneven surface. What is the "height" below which a change in level, hole or depression or other trip hazard will not render them liable?

The answer is that there is no "safe" limit, no hard and fast rule. Every claim for compensation will be decided on its own merits and the particular circumstances that relate to the accident.

For example a flooring defect of 1 inch may not generate liability if it occurred just prior

## Contact Us

For further property insurance advice and guidance please contact:

Kevin Donegan  
020 7280 3494  
kevin.donegan@thecleargroup.com

James King  
020 7280 3488  
james.king@thecleargroup.com

[www.thecleargroup.com/property](http://www.thecleargroup.com/property)

to the accident and there was no possibility of the property owner detecting it and taking corrective action in time to prevent the fall. However, a small tripping hazard of lesser size may result in a liability if it had been present for an extended period, if its existence was known and it was in a location where people walked regularly.

#### However in the case of **JAMES V PRESELI (PEMBROKESHIRE COUNCIL 1992)**

JAMES (J) tripped on a three quarter inch gap between paving stones for which PEMBROKESHIRE COUNCIL (P) was the responsible authority. It was held, that P was not liable. The relevant question was not whether the pavement was in a poor condition but whether the particular spot where the plaintiff fell was dangerous. Not every defect in a highway is “dangerous”, and what was required in this context was the sort of danger which an authority may reasonably be expected to guard against. The court accepted that 25mm (1 inch) was the point at which highway authorities generally considered a trip hazard to require repair.

### Case Studies

There is a wealth of case law, both civil and criminal, relating to trip claims, the following are representative examples. The HSE website contains many case studies illustrating both good and bad practice:

- A sunken paving slab in an unlit alleyway resulted in a passer-by falling and fracturing their hip. They received £7,500 in compensation
- A poorly maintained pavement resulted in a trip and fall accident that caused injury to a pedestrian’s knee. Compensation of £4,000

### Key Action Steps

If you have a responsibility for premises:

- **New Surfaces:** Ensure that new flooring surfaces are installed so that they are, as far as is practicable, free from tripping and slipping hazards
- **Housekeeping:** Implement a sound housekeeping programme
- **Inspections:** Conduct routine inspections to ensure all surfaces are free from slip and trip hazards
- **Maintenance:** Ensure that routine maintenance is carried out to remedy defects
- **Spills:** Set up a programme to ensure that spills are identified/reported and cleaned up immediately

### References

- Preventing slips, trips and falls at work [INDG 225](#)

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020 7280 3494  
[kevin.donegan@thecleargroup.com](mailto:kevin.donegan@thecleargroup.com)

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