



# Electrical Safety Policy

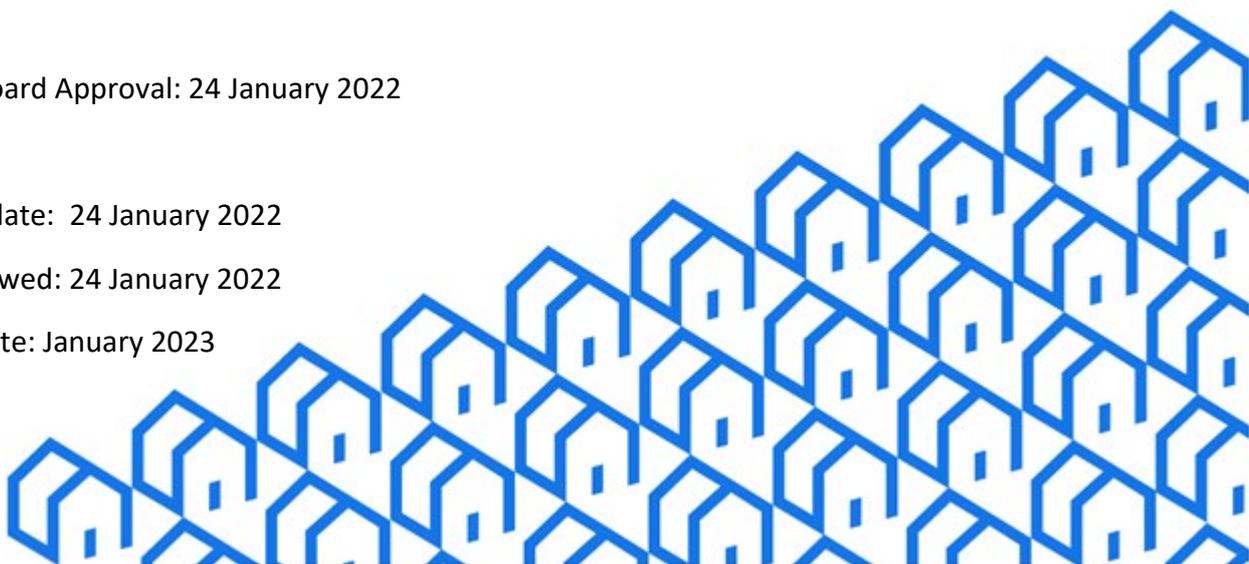
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## **Introduction**

Empower Housing Association (EHA) is responsible for the maintenance and repairs to our properties, all of which will contain electrical installations and appliances. The Landlord and Tenant Act 1985 and the Housing Act 2004 place duties on landlords to ensure that these electrical installations are safe at the start of any tenancy and are maintained in a safe condition throughout the life of the tenancy.

EHA are committed to ensuring our tenants' homes remain safe and fit for purpose. In achieving this we will comply with all relevant legislation and regulations.

## **Scope of the Policy**

EHA has established a policy which meets the requirements for electrical safety under the Landlord and Tenant Act 1985, the Housing Act 2004, the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 2016. In addition to this the policy provides assurance to EHA that measures are in place to ensure compliance with these regulations and to identify, manage and/or mitigate risks associated with electrical installations and electrical portable appliances.

This policy is relevant to all EHA employees, tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services.

## **Key Roles and Responsibilities**

The board will have overall governance responsibility for ensuring the Electrical Safety Policy is fully implemented to ensure full compliance with the regulatory standards, legislation and approved codes of practice. As such the Board will formally approve this policy and review it periodically. The policy will be reviewed every three years (or sooner if there is a change in regulation, legislation or codes of practice).

The board will receive quarterly updates at board meetings on the implementation of the Electrical Safety Policy and electrical safety performance along with notification of any non-compliance issue which is identified. This is so they have assurance that the policy is operating effectively in practice.

Senior Management will receive at least quarterly reports in respect of electrical safety management performance and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.

## **Appointed Duty Holder**

The Buildings Quality Manager will fulfil the role of appointed 'Duty Holder' on behalf of EHA to ensure the appropriate management of the risks associated with electrical safety. As a result, the Buildings Quality Manager will hold responsibility for the implementation of this document, and supporting Electrical Safety Procedure, as well as ensuring compliance is achieved and maintained.

Although the organisation has an appointed Duty Holder, EHA's Chief Executive will be ultimately responsible for ensuring compliance with current legislation, ensuring that the organisation fulfils its duties and responsibilities as outlined in this policy document and the supporting procedures.

## **Responsible Persons**

The Buildings Quality Manager and Maintenance Co-ordinator shall ensure that there are suitable arrangements in place for the delivery of the Electrical Safety programme and the implementation of the Electrical Procedure. This includes the prioritisation and implementation of any works arising from the electrical safety inspections.

The Maintenance Officers will provide key support in gaining access to properties where access is proving difficult and use standard methods to do so. They will also facilitate the legal process to gain access, as necessary.

## **Competent Persons**

Any contractor undertaking electrical installation work must be registered through the National Inspection Council for Electrical Installation Contractors (NICEIC) the Electrical Contractors Association (ECA), National Association for Professional Inspections (NAPIT) or other accredited body. Individual engineers working on electrical installations must be trained, competent and hold a relevant industry recognised qualification.

## **Obligations**

The Landlord and Tenant Act 1985 places duties on landlords to ensure that electrical installations in rented properties are:

- Safe when a tenancy begins
- Maintained in a safe condition throughout the tenancy,

To be compliant under these duties electrical installations are required to be periodically inspected and tested. The intervals between inspections are not fixed in law, however, best practice guidance from the Electrical Safety Council and from BS7671:2018 states that electrical installations should be checked at intervals of no longer than 5 years from the previous inspection. Any deviation from these intervals should be at the

recommendation of a competent NICEIC qualified (or equivalent) person and should be backed up by sound engineering evidence to support the recommendation.

All electrical installations will be inspected and checked prior to the commencement of any new schemes and a satisfactory Electrical Installation Condition Report (EICR) should be issued to EHA and the Care Provider upon request.

The Electricity at Work Regulations 1989 place duties on employers that all electrical installations and appliances within the workplace are safe and that only competent persons work on the electrical installations, systems and equipment.

The Electrical Equipment (Safety) Regulations 2016 require Landlords to ensure that any electrical appliances provided as part of a tenancy are safe when first supplied and gifted to the tenant. If the appliance is not gifted an annual check will be undertaken as part of the annual portable appliance testing (PAT) programme.

EHA will hold accurate and up to date records and certificates against each property it owns or manages, identifying when the electrical installation was last inspected and tested and when re-inspections are due.

### **Policy Statement**

EHA will ensure that all electrical installations, including any fire alarm systems and hardwired smoke and carbon Monoxide (CO) alarms shall be in a satisfactory condition following completion of an electrical installation inspection and test.

EHA will ensure that only suitably competent NICEIC electrical contractors and engineers (or equivalent) undertake electrical works for the organisation.

EHA will require an electrical installation inspection and request a Minor Electrical Works Certificates (MEW) when completing planned component replacement works within domestic properties.

EHA will have a process in place to gain legal access should any tenant or care provider refuse access to carry out essential electrical safety related inspection and remediation works, taking into consideration our tenant's vulnerabilities. As referred to in the tenancy agreement.

EHA will ensure that processes and controls are in place to manage the completion of follow up works identified during inspection and testing of electrical installations.

Where appropriate any compliance risks will be considered, mitigated, or removed as part of any major refurbishment works or included in new development design briefs.

EHA will ensure our contractors will provide a risk assessment for electrical safety management and operations. This risk assessment will set out the contractors' key electrical safety risks together with appropriate means of mitigation.

### **Compliance works**

EHA will hold accurate and up to date records against each property it owns and/or manages, identifying when the electrical installation was last inspected. Inspection and re-inspection dates, along with EICR records will be held electronically.

EHA will, as a minimum, make safe and/or where possible, repair all Code 1 and Code 2 defects identified by a periodic electrical installation inspection and test before leaving site. Any further remedial works to Code 2 defects will be completed within 5 working days and an EICR will be issued stating that the installation is in a satisfactory condition. Code 3 type works will be referred to EHA's Building Quality Manager for a decision as to what further works, if any, are required.

### **Contract Management**

On at least an annual basis all qualifications, competencies and KPI's will be reviewed for all areas of work contractors undertake on our behalf. We will ensure that all external contractors are provided with up-to-date information relating to all relevant compliance areas.

### **Record Keeping**

EHA establish and maintain accurate and up to date records of all completed EICRs, Minor Electrical Works Certificates (MEW) and smoke/heat/co detector works. Installation of emergency lighting and Building Regulation Part P notifications associated with remedial works from these reports and Electrical Installation Certificates and keep these as per the EHA's Data Retention Policy.

EHA will ensure processes and controls are in place to provide and maintain appropriate levels of security for all electrical safety related data.

## **Regulatory Standards**

The application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England, which was introduced by the Regulator of Social Housing (RSH).

## **Legislation**

The principle legislation applicable to this policy is the Landlord and Tenant Act 1985; the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 2016. Section 9A of the Landlord and Tenant Act 1985 sets out implied terms as to fitness for human habitation and Section 11 of the Landlord and Tenant Act 1985 implies repairing obligations into short leases. The Electricity at Work Regulations 1989 place duties on employers to ensure that all electrical equipment used within the workplace is safe to use. The Electrical Equipment (Safety) Regulations 2016 require Landlords to ensure that any appliances provided as part of a tenancy are safe when first supplied.

EHA is the 'Landlord' by virtue of the fact that it owns and manages homes, housing tenants/leaseholders through the tenancy, lease and licence agreement obligations it has with the tenants/leaseholders.

**Code of Practice** – the principle approved codes of practice applicable to this policy are:

- IET Wiring Regulations British Standard 7671: 2018 (18th edition)
- The Code of Practice for In-Service Inspection and Testing of Electrical Equipment (ISITEE) 2012 (4th edition)
- HSE INDG236: 'Maintaining portable electrical equipment in low-risk environments' (as amended 2013)
- Electrical Safety Council: 'Landlords' Guide to Electrical Safety 2009'.
- Code of Practice for the Management of Electro technical Care in Social Housing (January 2019)

## **Sanctions**

EHA acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and approved codes of practice. Failure to discharge these responsibilities properly could lead to a range of sanctions, including prosecution by the Health & Safety Executive under the Health & Safety at Work Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and via a serious detriment judgement from the Regulator of Social Housing.

## **Additional Legislation**

This Electrical Safety Policy also operates in the context of the following additional legislation:

- Health and Safety at Work Act 1974
- The Management of Health and Safety at Work Regulations 1999
- The Workplace (Health Safety & Welfare) Regulations 1992
- Management of Houses in Multiple Occupation (England) Regulations 2006
- Housing (Scotland) Act 2006
- Regulatory Reform (Fire Safety) Order 2005
- The Building Regulations for England and Wales (Part P)
- Building (Procedures) (Scotland) Regulations 2004 and the Building (Scotland) Act 2003
- The Housing Act 2004
- The Occupiers' Liability Act 1984
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Provision and Use of Work Equipment Regulations 1998
- Construction, (Design and Management) Regulations 2015
- Data Protection Act 2018
- RIDDOR 2013

A process is in place to identify changes to regulation and legislation through EHA's compliance reporting framework, any changes relating to this policy will be highlighted and implemented, including a review of policy and procedural documents. This policy also has links to other EHA policies, including:

- Health and Safety Policy
- Data Archival, Retention and Disposal Policy

## **Training**

EHA will ensure that all operatives working for, or on behalf of EHA have the relevant training required for their role. EHA Maintenance Officers will undertake periodic assessments of training needs and resulting programmes of internal and/or external training will be implemented.

All staff will have an understanding of electrical safety and their roles and responsibilities in ensuring that we maintain full compliance.

## **Performance Reporting**

Key performance indicator (KPI) measures will be established and maintained to ensure EHA is able to report on performance in relation to electrical safety. KPI measures will be produced and provided to Senior Management on a monthly basis and Board level on a quarterly basis. As a minimum, these KPI measures will include reporting on:

Data – the total number of:

- Properties on the electrical inspection and testing programme;
- Properties not on the electrical inspection and testing programme;
- Properties with a valid 'in date' EICR; and
- Properties where the EICR has expired and is 'out of date'.

Narrative - an explanation of the:

- Current position;
  - Corrective action required, if any; anticipated impact of any corrective action; and
  - Completion of follow-up/remedial works
  - Properties which are due to be inspected and tested within the next 30 days.
- This is the early warning system.

EHA will carry out an independent audit of electrical safety at least once every two years. This audit will specifically test for compliance with regulation, legislation and codes of practice and identify any non-compliance issues for correction. It will also look at and test processes to ensure that they are being adhered to and are still fit for purpose.

## **Non-Compliance / Escalation Process**

Any non-compliance issue identified at an operational level will be formally reported to the Buildings Quality Manager in the first instance, as soon as this is identified.

The Buildings Quality Manger will agree an appropriate course of corrective action in order to address the non-compliance issue and report details of the same to the Chief Executive within 24 hours.

The Chief Executive will ensure the Board is made aware of any non-compliance issue so they can consider the implications and take action as appropriate, including notification to the Regulator of Social Housing, as necessary.

## Appendix 1 – Glossary of terms

EICR	Electrical Installation Condition Report.
MW Certificate	Minor Work Certificate.
EIC	Electrical Installation Certificate.
PAT	Portable Appliance Testing.
NICEIC	National Inspection Council for Electrical Installation Contracting.
IET	Institution of Engineering and Technology
BS 7671:2018	IET Wiring Regulations Eighteen Edition.
GN3	IET Guidance Note 3 Inspection & Testing.
C1	Danger Present, risk of injury, immediate action required.
C2	Potentially dangerous- urgent remedial action.
C3	Improvement required.
F1	Further investigation required without delay.