

Gas Safety Policy

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Introduction

Empower Housing Association (EHA) is responsible for the maintenance and repairs to our properties, many of which contain gas installations and appliances. The Gas Safety (Installation and Use) Regulations 1998 (as amended) specifically deal with the installation, maintenance and use of gas appliances, fittings and flues in domestic properties. The Regulations also place a legal duty on landlords to ensure that gas appliances, fittings and flues provided for tenants' use are safe.

EHA is also responsible for maintaining other types of heating systems to ensure that all appliances, fittings and flues provided for tenants' use are safe. These include ground air source heat pump (GSHP) air source heat pump (ASHP), oil fired, and solar thermal heating systems and will be included in separate relevant policies.

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 of the Gas Safety (Installation and Use) Regulations 1998 (as amended).

The policy is applicable to all relevant types of heating systems and installations within all buildings and properties that EHA has a defined maintenance and repair responsibility for. This includes owned and leased dwellings, relevant communal areas and offices.

The policy provides assurance to the Board that measures are in place to ensure compliance with legislation and regulations and to identify, manage and/or mitigate risks associated with gas fittings, appliances and flues.

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 roles and responsibilities of key stakeholders across EHA in relation to this policy are detailed below:

Chief Executive Officer (CEO)

Will ensure sufficient resource allocation to enable effective delivery of the actions and measures within the policy and associated procedures. The CEO will retain oversight on performance and the responsibility for delivery of the service will be discharged to the Operations Director, Compliance Manager and Property Manager.

Board

Will review reports and performance indicators that provide progress updates to ensure EHA is meeting its' obligation under legislation and policy measures.

Property Manager

Is responsible for ensuring the management of the risks associated with gas safety is continually maintained for all relevant properties on a day-to-day basis and the policy is adhered to.

Compliance Manager

Will ensure that there are suitable arrangements in place for the delivery of the annual gas safety inspection programme and the implementation of the Gas Safety Procedure. This includes the prioritisation and implementation of any works arising from the gas safety inspections.

Maintenance Officers

Will provide key support in obtaining quotes for remedial works and arranging access to properties.

Competent Persons

EHA will ensure that any contractor discharging EHA's gas safety and servicing responsibilities will hold and maintain Gas Safe Accreditation for all aspects of gas safety works undertaken. This will be reviewed annually via the Gas Safe register.

The most common types of gas work generally comprise of one or more of the following.

- Install
- Commission
- Service
- Safety check

Obligations

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

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

To be compliant under these duties, gas installations and appliances are required to be serviced within 12 months of the previous safety check.

EHA work on a 10-month service cycle to reduce risk of no access, contractor failure and ensure all certificates remain in date. Regulatory changes introduced in April 2018 to Part F, Regulations 36(3) of the Gas (Installation and Use) Regulations 1998 enabled flexibility for landlords in relation to the anniversary date of Landlord Gas Safety Records (LGSR), whereby a new gas safety check can be carried out within 10 months and 1 day of the previous safety check and retain the original 12-month anniversary date of the previous LGSR, providing it does not exceed these 12 months EHAs current contractual arrangements do not incur a charge for the 10-month frequency.

All properties will be inspected in line with Regulations and a satisfactory LGSR will be issued to EHA, and the Care Provider. New tenants are provided with a copy of the gas servicing information and a copy of the LGSR as part of the sign-up procedure.

The Gas Safety (Installation and Use) Regulations 1998 (as amended) impose duties on landlords to protect tenants' safety in their homes in relation to gas safety. The main duties as a landlord are:

- Ensure gas fittings and flues are maintained in a safe condition. Gas appliances should be serviced in accordance with the manufacturer's instructions. If these are not available, it is recommended that they are serviced annually unless advised otherwise by a Gas Safe registered engineer.
- Ensure the annual safety check is carried out on each gas appliance and flue within 12 months of the previous safety check.
- Have all installation, maintenance and safety checks carried out by a Gas Safe registered engineer.
- Keep a record of each safety check for at least two years.
- Issue a copy of the gas safety certificate to existing tenants with 28 days of completion.
- EHA will hold accurate and up to date records and certificates against each property it owns or manages, identifying when the gas installation/appliances were last inspected and tested and when re-inspections are due.

Policy Statement

EHA will ensure that, where applicable, a programme of annual safety checks and maintenance services will be carried out by a suitably competent engineer/contractor to all gas systems. This check will include all fittings, appliances and flues in the property and will be completed no longer than 12 months from the date of the previous safety check and service or as detailed within manufacturer's instructions or industry best practice.

EHA will ensure there is a process in place for the management of any follow-up works identified during the completion of a gas/heating safety check.

Where access is proving difficult to undertake an annual gas safety check, tenants and care providers will be informed of the legal requirement and that access must be provided prior to expiry of the current certificate. EHA will take legal action to gain access should any tenant or care provider refuse access to carry out essential gas safety checks and related inspection and remedial works, having taken into consideration a tenant's vulnerabilities and disabilities and adherence to the procedure for access in place.

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

Record Keeping

EHA will hold accurate and up to date inspection dates and inspection records against each property it owns or manages on SDM (EHA's housing system). This data will include for all domestic properties:

- Details of whether there is a gas supply
- Gas appliances in the property
- Other heating and servicing requirements
- Inspection and re-inspections dates
- Gas safety records

EHA will retain these records in line with EHAs Data Retention Policy. Processes and controls are in place to provide and maintain appropriate levels of security for all gas safety related data.

Any remedial work that renders any LGSR as a fail will be actioned immediately and completed before expiry of the current LGSR.

Related Legislation and Regulation

The responsible Director will ensure this Policy has regard to all legislation, regulation and best practice including:

- Regulator of Social Housing Consumer Standards – Home Standard and mitigates the risk of a serious detriment judgement from the RSH
- The Gas Safety (Installation and Use) (Amendment) Regulations 2018 Part F, Regulation 36
- Health and Safety at Work Act 1974
- The Management of Health and Safety at Work Regulations 1999
- The Workplace (Health Safety & Welfare) Regulations 1992
- The Building Regulations in England & Wales (including part f)
- Heat Network Regulations 2014
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Provision and Use of Work Equipment Regulations 1998
- Construction, Design and Management Regulations 2015
- Landlord and Tenant Act 1985
- Housing Scotland Act 2006
- Building (Procedures) (Scotland) Regulations 2004 and the
- Building (Scotland) Act 2003
- Data Protection Act 2018
- RIDDOR 2013

Code of Practice

The principle approved codes of practice applicable to this policy are:

- ACoP L56 - 'Safety in the installation and use of gas systems and appliances' (4th edition 2013).
- INDG285 - 'A guide to landlords' duties: Gas Safety (Installation and Use) Regulations 1998 as amended by the Gas Safety (Installation and Use) (Amendment) Regulations 2018'.

Failure by EHA to discharge its responsibilities properly could lead to a range of sanctions, including prosecution by the Health & Safety Executive under the Health & Safety at Work Act 1974.

Related Policy, Procedures and Documents

- Health and Safety Policy
- Data Retention Policy
- Equality Diversity and Inclusion Policy
- Gas Safety Procedure
- Tenancy Agreement

Training

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

All colleagues will have an understanding of gas 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 gas safety. KPI measures will be produced and provided to Senior Management on a monthly basis and Board level on a minimum of a quarterly basis.

As a minimum, these KPI measures for the senior management team will include reporting on:

Data – the total number of:

- Properties on the gas inspection and testing programme.
- Percentage of properties with a valid 'in date' LGSR.
- Inspections completed withing the current month.
- Properties where the LGSR has expired and is 'out of date' or overdue during the month.
- No of Gas remedial works outstanding.

As a minimum, these KPI measures for Board will include reporting on:

- Percentage of properties with a valid LGSR Certificate
- Properties where the LGSR has expired and is 'out of date' or overdue during the month
- Number of gas remedial works outstanding

EHA will carry out an independent audit of gas safety at least once every 3 years. This audit will specifically test for compliance with regulation, legislation and codes of practice and

identify any non-compliance issues for remedial action. It will also review and test processes to ensure that they are adhered to and are fit for purpose.

Non-Compliance / Escalation Process

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

The Compliance Manager and Property Manager will agree an appropriate course of remedial action to address the non-compliance issue and report details of the same to the CEO within 24 hours.

The CEO will ensure the Board is made aware of any non-compliance issue to enable consideration of the implications and take action as appropriate, including notification to the Regulator of Social Housing, as necessary.