

# Gas and Heating Policy



<b>Name</b>	Gas and Heating Policy
<b>Owner</b>	Director of Housing
<b>Last Review</b>	January 2024
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<b>Resident Consultation</b>	N/A
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**Sign**

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## 1.0 Introduction and Objectives

- 1.1 As a landlord, Babergh and Mid-Suffolk District Council's (BMSDC) is responsible for the maintenance and repairs to our homes, communal blocks and other properties we own and manage, many of which will 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 and certain commercial premises to ensure they remain safe.
- 1.2 We are also responsible for maintaining other types of heating systems to ensure that all heating appliances provided for tenants are safe. These include air source heat pumps/ oil/ solid fuel and electrical heating systems.
- 1.3 The key objective of this policy is to ensure our Cabinet, Senior Leadership Team, employees, partners and tenants are clear on our legal and regulatory gas/heating safety obligations. This policy provides the framework our staff and partners will operate within to meet these obligations.
- 1.4 This policy forms part of our wider organisational commitment to driving a health and safety culture amongst staff and contractors (as detailed within our Health and Safety Policy). It will be saved on our shared drive and distributed to all relevant members of staff.

## 2.0 Scope

- 2.1 This policy applies to:
  - The housing assets which are owned by the Housing Revenue Account (the HRA) and any which are leased by the Council's and rented and managed as social housing stock. This includes domestic properties (houses and flats), communal areas of any blocks containing such properties, and sheltered and supported housing schemes and associated offices/communal spaces.
  - Any commercial premises which are owned by the HRA.
  - Any depots, operational and commercial buildings owned and / or managed by BMSDC.
- 2.2 The policy is relevant to all our employees, tenants, contractors, stakeholders and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services.
- 2.3 The policy should be used by all to ensure they understand the obligations placed upon BMSDC to maintain a safe environment for tenants and employees, within the home of each resident, and within all communal areas of buildings and other properties we own and/or manage. Adherence to this policy is mandatory.

### 3.0 Roles and Responsibilities

- 3.1 The Cabinet has overall governance responsibility for ensuring this policy is fully implemented, to ensure full compliance with legislation and regulatory standards. As such, the Director of Housing will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).
- 3.2 For assurance that this policy is operating effectively in practice, the Cabinet will receive regular updates on its implementation, gas and heating safety performance and non-compliance.
- 3.3 The Senior Leadership Team (SLT) will receive monthly performance reports in respect of gas and heating safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 3.4 The Director of Housing has strategic responsibility for the management of gas and heating safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 3.5 The Head of Asset Investment and Compliance has operational responsibility for the management of gas and heating safety and will be responsible for overseeing the delivery of these programmes.
- 3.6 Housing management teams will provide support where gaining access to properties is difficult and will assist and facilitate any legal processes as necessary.
- 3.7 **Tenant's responsibilities** - Under the terms of the Tenancy Agreements, tenants must allow access to their property for maintenance and/or safety checks to be carried out.

#### Tenant's responsibilities:

- Tenants must never carry out works on gas and heating systems themselves.
- Any repairs or faults must be reported in a timely manner so these can be addressed.
- Tenants must ensure if an appointment is arranged that they are at the property at the time of that appointment, if appointments need to be changed that this is communicated, and an alternative appointment arranged.
- Tenants must adhere to any warnings or advice given by BMSDC or the gas and heating contractor.
- Tenants must gain consent from BMSDC for alterations in the property.
- Appropriate access and relocation/removal of any obstacles within their property will need to be undertaken.
- Tenants must never remove items installed by the gas and heating contractor such as carbon monoxide alarms or smoke alarms.

- Tenants must never reconnect any gas appliance which has been disconnected due to safety reasons.
- Tenants must test smoke and carbon monoxide alarms at least monthly.

## 4.0 Legislation, Guidance and Regulatory Standards

4.1 **Legislation** - The principal legislation applicable to this policy is:

- The Gas Safety (Installation and Use) Regulations 1998 as amended (hereafter referred to as the Gas Safety Regulations). We have a legal obligation under Part F, Regulation 36 (Duties of Landlords) and we are the 'Landlord' for the purposes of the legislation.
- Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 which came into effect on 1 October 2022.
- This policy also operates within the context of additional legislation (see Appendix 1).

4.2 **Approved Code of Practice (ACoP)** - The ACoP applicable to this policy is:

- ACoP L56 - 'Safety in the installation and use of gas systems and appliances' (5th edition 2018).

4.3 **Guidance** – The principal guidance applicable to this policy is:

- INDG285 - 'A guide to landlords' duties: Gas Safety (Installation and Use) Regulations 1998 as amended Approved Code of Practice and guidance (3<sup>rd</sup> Edition 2018).

4.4 **Regulatory standards** – We must ensure we comply with the Regulator of Social Housing's regulatory framework and consumer standards for social housing in England; the Home Standard is the primary one applicable to this policy. The Social Housing (Regulation) Bill will change the way social housing is regulated and may result in future changes to this policy.

4.5 **Sanctions** – Failure to discharge our responsibilities and obligations properly could lead to sanctions, including: prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; prosecution under the Gas Safety Regulations; and via a regulatory notice from the Regulator of Social Housing.

## 5.0 Obligations

5.1 The Gas Safety Regulations impose duties on landlords to protect tenants in their homes. The main landlord duties are set out in Regulation 36 and require landlords to:

- 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 (until at least two further gas safety checks have been carried out).
- Issue a copy of the latest safety check record to existing tenants within 28 days of the check being completed, or prior to any new resident moving in.
- Display a copy of the latest safety check record in a common area of a building where the gas appliance serves a communal heating system to multiple homes.
- Ensure that no gas fitting of a type that would contravene Regulation 30 (for example, certain gas fires and instantaneous water heaters) is fitted in any room occupied, or to be occupied, as sleeping accommodation after the Regulations came into force. This includes any room converted into such accommodation after that time.

5.2 These obligations apply to both gas heating and liquid petroleum gas heating systems.

5.3 **Other heating types** – Although there is no legal requirement to do so, we will carry out safety checks to properties with the other heating types set out in Section 1.2 (see Section 7 - Programmes for details).

5.4 The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022, which came into effect on 1 October 2022, require social landlords to:

- Install a smoke alarm on every storey with living accommodation.
- Install carbon monoxide alarms in any rooms used as living accommodation with a fixed combustion appliance (excluding gas cookers).
- Repair or replace faulty alarms as soon as reasonably practicable.

## 6.0 Statement of Intent

6.1 We acknowledge and accept our responsibilities under the Gas Safety Regulations and the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 as outlined in Section 5, and all other duties set out in relevant legislation.

6.2 We will carry out an annual gas safety check to all properties with a gas supply, irrespective of whether the gas is connected or not.

- 6.3 We will ensure that copies of all landlord's gas safety records (LGSRs) and any other relevant certificates are provided to tenants or displayed in a common area within 28 days of completion.
- 6.4 To comply with the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022, which came into force on 1 October 2022, we will install, test and replace (as required) battery operated and/or hard-wired smoke alarms and carbon monoxide alarms as part of the annual gas safety check visit (or at void stage).
- 6.5 We will cap off gas supplies to all properties when the property becomes void, and a new resident is not moving in immediately after. This will be completed by the end of the next working day following the property becoming void.
- 6.6 We will cap off gas supplies to all new build properties upon handover from the contractor/developer to us if the new tenancy is not commencing immediately at the point of handover.
- 6.7 We will ensure that gas safety checks are carried out within 24 hours of the commencement of a new tenancy (void or new build properties), mutual exchange and/or transfer, and that the resident receives a copy of the LGSR.
- 6.8 We will ensure a gas safety check is carried out following our installation of any new gas appliance and obtain a gas safety certificate to confirm the necessary checks have been completed. The safety check will include: a gas soundness test of the carcass; gas working pressures being taken; a visual inspection of the meter installation; and a visual inspection, including the safe working operation, of all other gas appliances and associated flues within a property.
- 6.9 We will carry out a five-point visual check of resident owned appliances. The visual safety check (location; flueing; ventilation; signs of distress; and stable and secure) will be done on gas cookers and gas fires. Where appliances are found to be faulty these will be disconnected and a warning notice issued. We will require the tenant to provide a copy of an appropriate record from a Gas Safe engineer that the appliance has been made safe.
- 6.10 A safety check will be carried out on completion of any repair and/or refurbishment works to occupied or void properties where works may have affected any gas fittings, appliances or flues.
- 6.11 We will install, test and replace (as required) battery operated and/or hard-wired smoke alarms and carbon monoxide detectors as part of the annual gas safety check (or at void stage).
- 6.12 We will carry out an annual gas safety check to all properties where the gas supply has been capped at the request of the resident, and will check that the supply has not been reconnected by the resident. At the same time, we will check on the resident's wellbeing and assess whether or not the lack of gas heating is adversely affecting the condition of the property. In addition, we will communicate monthly with these tenants to check

- whether the property remains capped and inform the resident of what is required to reinstate gas at the property.
- 6.13 Any open flue gas appliances found in any rooms that are being used as bedrooms or for sleeping will be removed.
- 6.14 We will ensure that there is a robust process in place for the management of immediately dangerous situations identified from the gas/heating safety check.
- 6.15 We will regularly check properties that are not currently connected to the gas mains network to ensure a gas supply has not been installed without our knowledge.
- 6.16 We will operate a robust process if there is difficulty gaining access to a property to carry out the gas/heating safety check or remediation works. We will use the legal remedies available within the terms of the tenancy agreement, lease or license following a minimum of three attempts at gaining access. Where resident vulnerability issues are known or identified, we will ensure we safeguard the wellbeing of the resident.
- 6.17 We will operate effective contract management arrangements with the contractors responsible for delivering the programme, including; ensuring contracts/service level agreements are in place, conducting client-led performance meetings, and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.
- 6.18 We will ensure that all replacements, modifications and installations of gas appliances and heating systems within our properties will comply with all elements of Building Regulations, Part J Combustion Appliances and Fuel Storage Systems.
- 6.19 We will establish and maintain a risk assessment for gas safety management and operations, setting out our key gas safety risks and appropriate mitigations.
- 6.20 To comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM) a Construction Phase Plan will be in place in respect of all repairs to void and tenanted properties (at the start of the contract and reviewed/updated annually thereafter), component replacement works and refurbishment projects.
- 6.21 We will identify whether we have any buildings which require a risk assessment under the Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002 and will carry out a DSEAR risk assessment where required.
- 6.22 We will operate a robust process to investigate and manage all RIDDOR notifications submitted to the HSE in relation to gas and heating safety and will take action to address any issues identified and lessons we have learned, to prevent a similar incident occurring again.



## 7.0 Programmes

- 7.1 **Domestic properties** – We will carry out a programme of annual gas safety checks to all domestic properties we own and manage; the check will be completed within 12 months from the date of the previous LGSR/certificate.
- 7.2 We use the 'MOT' approach to gas safety checks. This approach, under Part F, Regulation 36 (3) of the Gas Safety Regulations, allows a gas safety check to take place within ten months and one day of the previous safety check and retain the original 12-month anniversary date of the previous LGSR.
- 7.3 We will carry out a safety check of electrical heating systems every five years, as part of the periodic electrical inspection and testing programme.
- 7.4 We will carry out an annual safety check to all solid fuel appliances and a chimney sweep at least twice a year when burning wood or house coal. As individual solid fuel heating systems become beyond economic repair, we will replace them with alternative heating.
- 7.5 We will carry out an annual safety check to properties with heat pumps and oil heating systems.
- 7.6 **Communal blocks and other properties** – We will carry out a programme of annual gas safety checks and services to all communal blocks and other properties (supported schemes/offices/shops/depots, within the scope set out in 2.1), where we have the legal obligation to do so; these will be completed within 12 months from the date of the previous LGSR/certificate.
- 7.7 **Properties managed by others** – Where our properties are managed by others, we will require them to provide copied of valid and in date LGSRs/gas safety certificates to us. If the third party does not provide the LGSR/certificate, we will carry out the safety check and re-charge them for the cost of this work.
- 7.8 We will ensure there is a robust process in place for the management of any follow-up works required following the completion of a gas/heating safety check (where the work cannot be completed at the time of the check).

## 8.0 Data and Records

- 8.1 We will maintain a core asset register of all properties we own and/or manage, with component/attribute data against each property to show gas/heating safety check requirements.
- 8.2 We will operate a robust process to manage all changes to our assets, including property acquisitions and disposals, to ensure that properties are not omitted from gas/heating safety programmes and the programme remains up to date.

- 8.3 We will hold gas/heating safety check dates and safety check records against each property we own or manage. We will hold the dates of the safety checks and safety check records in Share Point (or equivalent).
- 8.4 We will ensure the Gas Safe registered engineer records the details of all appliances and other equipment which is served by the gas/heating supply in every domestic property, communal block or other property.
- 8.5 We will keep all completed safety check records, warning notices and remedial work records for at least two years, and in accordance with our document retention policy and will have robust processes and controls in place to maintain appropriate levels of security for all gas/heating safety related data and records.

## **9.0 Resident Engagement**

- 9.1 We consider good communication essential in the effective delivery of gas and heating safety programmes, therefore we will establish a resident engagement strategy and communication programme to support tenants in their understanding of gas and heating safety.
- 9.2 This will assist us in maximising access to carry out gas safety checks, encourage and support tenants to report any concerns about gas and heating safety, and help us engage with vulnerable and hard to reach tenants.
- 9.3 We will share information clearly and transparently and will ensure that information is available to tenants via regular publications and information on our website.

## **10.0 Competent Persons**

- 10.1 The Mechanical Manager and the Mechanical & Electrical Manager as the post responsible for managing day to day delivery of the programme, will hold the Level 4 VRQ in Gas Safety Management or Level 4 VRQ Diploma in Asset and Building Management (if they are not Gas Safe Registered), and full membership of the Association of Gas Safety Managers (AGSM). If they do not have these already, they will obtain them within 24 months of the approval of this policy.
- 10.2 All operatives/engineers (internal or external) will maintain Gas Safe accreditation for all areas of gas/LPG works that they undertake and will be members of the Nationally Accredited Certification Scheme for Individual Gas Fitting Operatives (ACS).
- 10.3 Only suitably competent Gas Safe accredited contractors will undertake works to gas/LPG fittings, appliances and flues.
- 10.4 Only suitably competent Oil Firing Technical Association (OFTEC) and/or HETAS accredited contractors will undertake works to oil fired and solid fuel fittings, appliances, and flues.

- 10.5 Only individuals/organisations with a Microgeneration Certification Scheme accreditation (MCS) will undertake works on ground/air source heat pumps, solar thermal and biomass heating systems.
- 10.6 Only suitably competent NICEIC (or equivalent) electrical contractors and operatives will undertake servicing and repairs to electrical heating systems.
- 10.7 Only suitably competent Gas Safe registered and NICEIC (or equivalent) third party technical auditors will undertake quality assurance checks.
- 10.8 We will check our contractors hold the relevant qualifications and accreditations when we procure them, and thereafter on an annual basis; we will evidence these checks and each contractor's certification appropriately.

## 11.0 Training

- 11.1 We will deliver training on this policy and the procedures that support it, through appropriate methods including: team briefings; basic gas and heating safety awareness training; and on the job training for those delivering the programme of gas and heating safety checks, planned maintenance and repair works as part of their daily job. All training undertaken by staff will be formally recorded.

## 12.0 Performance Reporting

- 12.1 We will report robust key performance indicator (KPI) measures for gas/heating safety. These will be provided to SLT monthly and to the Cabinet on a quarterly basis. As a minimum, we will report:

### Data – the total number of:

- Properties – split by category (domestic, communal and others);
- Properties on the gas/heating servicing programme;
- Properties not on the gas/heating servicing programme;
- Properties with a valid and in date LGSR/certificate;
- Properties without a valid and in date LGSR/certificate;
- Properties due to be serviced within the next 30 days; and
- Completed, in-time and overdue follow-up works/actions arising from the programme.

### Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective actions; and
- Progress with completion of follow-up works.

**In addition:**

- The number of RIDDOR notifications to the HSE about gas/heating safety.

**13.0 Quality Assurance**

13.1 We will ensure there is an annual programme of third-party quality assurance audits of gas/heating safety checks, gas appliance services and gas appliance repair works. This will be:

- Ten per cent of all new installations;
- A minimum of five per cent sample of field checks;
- A minimum of five per cent of all certificates.

13.2 Internally we will undertake 100 per cent desktop audits of all LGSRs/certificates.

13.3 We will carry out an independent audit of gas/heating safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify non-compliance issues for correction.

**14.0 Significant Non-Compliance and Escalation**

14.1 Our definition of significant non-compliance is: any incident which has the potential to result in a material breach of legislation or regulatory standard, or which causes a risk to health or safety. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred, or of an BMSDC employee becoming aware of it.

14.2 Any non-compliance issue identified at an operational level will be formally reported to either the Compliance Manager or the Head of Asset Investments and Compliance in the first instance, who will agree an appropriate course of corrective action with the Director of Housing. The Director of Housing will report details of the same to the Senior Leadership Team, BMSDC's Monitoring Officer and the Portfolio Holder.

14.3 In cases of serious non-compliance, the Portfolio Holder and Senior Leadership Team will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive. In such instances, the issue will also be reported to Cabinet.

**15.0 Glossary**

15.1 This glossary defines key terms used throughout this policy:

- **Gas Safe Register:** the official list of gas engineers who are qualified to work legally on gas appliances.

**LGSR:** Landlord's Gas Safety Record – a certificate containing the results of the annual safety check carried out on gas appliances and flues.

## **Appendix 1 - Additional Legislation**

This policy also operates within the context of the following legislation:

- Health and Safety at Work Act 1974
- Gas Safety (Management) Regulations 1996 (as amended)
- Housing Act 2004
- Landlord and Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- Defective Premises Act 1972
- The Occupiers' Liability Act 1984
- Management of Houses in Multiple Occupation (England) Regulations 2006
- Workplace (Health, Safety and Welfare) Regulations 1992
- Pipelines Safety Regulations 1996
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Provision and Use of Work Equipment Regulations 1998
- Management of Health and Safety at Work Regulations 1999
- Pressure Equipment (Safety) Regulations 2016
- Pressure Systems Safety Regulations 2000
- Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002
- Building Regulations 2010 (England and Wales)
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Construction (Design and Management) Regulations 2015
- Data Protection Act 2018

Version	Date	Author	Rationale
1.0	30/01/2024	C.Solomons	Sign off
1.1	01/06/2024	C.Solomons	Changes to competent persons qualification timeline from 12 to 24 months. Addition of tenants responsibilities.