

Gas Safety Policy Domestic & Commercial

Version Control					
Version	Date drafted	Date approved	Approved by	Next review date	Owner
Final	12/01/2023	23/01/2023	Board	23/01/2025	Head of Property & Assets

Introduction

WSHL is regulated by Regulator of Social Housing. The Executive Management Team and Board set and oversee corporate strategy, including the approval of all compliance policy principles.

WSHL is responsible for the maintenance and repairs to its homes and other buildings in management, many of which will contain gas installations and appliances. The Gas (Installation and Use) Regulations 1998 and the Amendment Regulations 2018 specifically deal with the installation, maintenance and use of gas appliances, fittings and flues in domestic properties and certain office premises.

The regulations also place a legal duty on landlords to ensure that gas appliances e.g., Fires or cookers, fittings and flues provided for tenants' use are safe.

Scope

WSHL must establish a policy which meets the requirements of the Gas Safety (Installation and Use) Regulations 1998. In addition to this, the policy must provide assurance to WSHL that measures are in place to ensure compliance with these regulations and to identify, manage and/or mitigate risks associated with gas fittings, appliances and flues.

The policy is relevant to all types of gas heating systems that WSHL has responsibility for.

WSHL must ensure compliance with gas safety legislation is formally reported at EMT and Board level, including the details of any non-compliance and planned corrective actions.

The policy is relevant to all WSHL 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.

It should be used by all to ensure they understand the obligations placed upon WSHL to maintain a safe environment for occupiers within the home of each tenant/leaseholder and within all non-residential/commercial premises or areas of buildings.

The policy is also relevant for maintaining a safe environment for all tenants and employees within all WSHL non-domestic properties, where we have an obligation to do so.

Regulatory Standards, Legislation and Codes of Practice

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 Homes & Communities Agency (now Regulator of Social Housing) in April 2012.

Legislation

The principal legislation applicable to this policy is The Gas Safety (Installation and Use) Regulations 1998 (as amended). WSHL has a legal obligation under Part F, Regulation 36 of the legislation (Duties of Landlords) and is the 'Landlord' for the purposes of the legislation. WSHL is the 'Landlord' by virtue of the fact that they own and manage homes and buildings housing tenants/leaseholders through the tenancy, lease and licence agreement obligations it has with the tenants/leaseholders.

Code of Practice

The principal codes of practice applicable to this policy are as follows:

ACoP L56 - 'Safety in the installation and use of gas systems and appliances' (5th edition 2018). INDG285 - 'A guide to landlords' duties: Gas Safety (Installation and Use) Regulations 1998'. 3.4

Leaseholders/Shared Owners

At WSHL's discretion enforce action if

1. a leaseholder or shared owner has an obligation under the terms of their lease to undertake a gas check and has not/or
2. provide a certificate proving a gas check has been done.

Tenants

WSHL will as a last resort use the legal remedies available to it should any tenant refuse access to carry out essential gas safety checks, maintenance and safety related repair works.

Controlled Entry - in cases where access has not been granted to complete the annual gas safety and/or heating inspection a controlled entry in accordance with the working procedures will be completed to ensure the safety of all our customers and neighbouring properties. A member of the Executive team will approve any such cases.

Additional Legislation

1. This gas and heating safety policy also operates in the context of the following legislation:
2. Health and Safety at Work Act 1974 4.1.2
3. The Management of Health and Safety at Work Regulations 1999
4. The Workplace (Health Safety & Welfare) Regulations 1992
5. Gas Safety (Management) Regulations 1996 (as amended)
6. The Building Regulations in England & Wales
7. Dangerous Substances and Explosive Atmospheres Regulations 2002
8. Pressure Equipment Regulations 1999
9. Pressure Systems Safety Regulations 2000
10. Pipelines Safety Regulations 1996 Heat Network Regulations 2014
11. Provision and Use of Work Equipment Regulations 1998
12. Construction, Design and Management Regulations 2015
13. Landlord and Tenant Act 1985 Gas Safety (Installations and Use) Regulations 1988 as amended by Gas Safety (Installation and Use) (Amendment) Regulations 2018
14. Homes (Fitness for Human Habitation) Act 2018 5 Obligations
15. The Smoke and Carbon Monoxide Alarm Regulations 2015

The Gas Safety (Installation and Use) (Amendment) Regulations 2018 impose duties on landlords to protect tenants' safety in their homes with respect to gas safety. The main duties as a landlord are set out in Regulation 36 requiring landlords to:

1. 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.
2. Ensure the annual safety check is carried out on each gas appliance and flue within 12 months of the previous safety check.
3. 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 2 (two) years.
4. Issue a copy of the latest safety check record to existing tenants within 28 days of the check being completed, or to any new tenant when they move in
5. 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.

Statement of Intent

WSHL acknowledges and accepts its responsibilities under the Gas Safety (Installation and Use) Regulations 1998 as amended.

WSHL will hold accurate records against each property it owns or manages setting out the requirements for gas and/or heating safety checks and servicing of all gas/heating fittings, appliances and flues.

WSHL will ensure that each property requiring a gas safety check and/or service will have a landlords' gas safety record (LGSR) that has a completion date not more than 12 months following the completion date of the previous LGSR relating to the property or installation date of new installations.

WSHL will ensure that copies of all LGSRs are provided to tenants within 28 days of completion or displayed in a common area where necessary upon completion of the LGSR within 28 days of completion.

WSHL will cap off gas supplies to all properties when the property becomes void and a new tenant is not moving in immediately following the previous tenant leaving.

WSHL will cap off gas supplies to all new build properties at handover if the new tenancy is not commencing immediately at the point of handover. The only exception to this would be a show home which is regularly utilised under a specific risk assessment.

WSHL will reinstate gas supplies to void properties and new build properties at commencement of the new tenancy and will undertake a gas safety check and issue a new LGSR.

WSHL will ensure that gas safety checks are carried out prior to, or immediately following the commencement of any new tenancy (void properties), mutual exchange and/or transfer and that the tenant receives a copy of the LGSR prior to, or immediately upon sign up of the tenancy and/or at the time of moving in.

WSHL will carry out gas safety checks of any tenants' own gas appliances and will carry out a five-point visual safety check for gas cookers and service to gas fires where the manufacturers' instructions are available (Location, fluing, ventilation, signs of distress and stable and secure). Appliances include cookers and gas fires. Where appliances are found to be faulty these will be disconnected and a warning notice issued.

WSHL will test and replace as necessary hard wired smoke alarms as part of the annual gas safety check visit.

WSHL will carry out an annual gas safety check to all properties where the gas supply is inactive (capped) at the request of the tenant. This is to ensure that gas supplies have not been reconnected by the tenant.

WSHL will carry out annual assessments of properties where tenants have chosen for personal reasons not to use the gas supply in the property. This is to check on the tenant's wellbeing and also to assess that the lack of gas heating is not adversely affecting the condition of the property.

WSHL will ensure that only suitably competent Gas Safe accredited engineers undertake gas works for the organisation.

WSHL will remove any open flue gas appliances found in any rooms that are being used as bedrooms. WSHL will carry out a gas safety check following any new gas appliance installation. The safety check will include a gas soundness test of the system pipework, a visual inspection of the meter installation and a visual inspection including the safe working operation on all other gas appliances and associated flues within a property, issuing a gas safety certificate to confirm the necessary checks have been completed.

WSHL will install a carbon monoxide alarm in any room containing a solid fuel burning appliance i.e., rooms containing an open fire, log burning stove etc. However, as gas appliances can emit carbon monoxide, a carbon monoxide alarm will also be installed in every room which contains a fixed combustion appliance (excluding gas cookers).

WSHL will ensure that robust processes and controls are in place to manage works to void and occupied properties that may affect existing gas installations.

WSHL will have a robust process in place to gain access to properties where tenant vulnerability issues are known or identified whilst ensuring the organisation can gain timely access to any property in order to be compliant with this policy and safeguard the wellbeing of the tenant.

WSHL will establish and maintain a plan of all continuous improvement activity undertaken with regards to gas safety.

WSHL will not carry out the annual gas safety checks to private landlord properties, except where there are explicit clauses within the leases requiring WSHL to carry out gas safety checks

WSHL will however stress the importance to private landlord owned properties of carrying out the annual gas safety check and seek certification as evidence of completion.

All remedial works identified will be reviewed on an individual basis and discussed with the tenant in agreeing completion of the works.

Inspection Testing Programmes

Domestic properties

WSHL will carry out a programme of annual gas safety checks and services to all domestic properties, covering all heating types. This check will include all gas fittings, appliances and flues in the property and will be completed 12 months from the date of the previous LGSR. This safety check is driven from the anniversary date of the most recent LGSR which may have been carried out at the start of a new tenancy or following installation of new gas appliances.

Other Properties (Offices/Communal Areas)

WSHL will carry out a programme of annual gas safety checks and services to all 'non-domestic' and 'other' properties (where it has the legal obligation to do so). These checks will include all gas fittings, appliances and flues in the property and will be completed no longer than 12 months from the date of the previous LGSR or as detailed within manufacturer's instructions. These safety checks and maintenance services will be carried out by a suitably competent engineer in accordance with the manufacturer's instructions. These installations may include catering equipment, boilers serving communal heating systems, combined heat and power systems, pressure vessels and water heating boilers.

Compliance Follow up Work

WSHL will ensure that there is a robust process in place to collate and store all warning notices and associated records of completed remedial works.

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.

WSHL will ensure there is a robust process in place to investigate and manage all RIDDOR notices issued with regards to gas safety.

Record Keeping

WSHL will establish and maintain a core asset register of all properties that have an active or inactive gas supply. This register will also hold data against each property asset of gas heating inspection and servicing requirements, where applicable, for all domestic and non-domestic property assets.

WSHL will ensure the Gas Safe registered engineer records the details of all appliances and other equipment which is served by the gas supply in every domestic and non-domestic property.

WSHL will establish and maintain accurate records of all completed safety records, warning notices and associated remedial works and keep these for a period of not less than two years.

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

Key Roles and Responsibilities

WSHL Board will have overall governance responsibility for ensuring the gas safety policy is fully implemented to ensure full compliance with the regulatory standards, legislation and codes of practice. As such the Board will formally approve this policy and review it every two years (or sooner if there is a change in regulation, legislation or codes of practice).

The Executive Team and board will receive reports in respect of gas safety management performance and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.

The Board are responsible for ensuring they are fully assured of compliance measures, monitoring performance and that the policy is implemented and adequately resourced.

The Chief Executive is responsible for implementing, resourcing this policy and monitoring performance.

The Head of Property & Assets (HoP&A) has strategic responsibility for the management of gas safety and ensuring compliance is achieved and maintained monitored and reported upon.

The Head of Property & Assets (HoP&A) will oversee the implementation of the gas safety policy, with the operational support of the Responsible Manager (listed within the Compliance Framework).

The Responsible Manager (Maintenance and Compliance Manager) will be responsible for overseeing the delivery of the gas servicing and safety check programmes; completion of any works arising from gas safety checks or reported by tenants and the maintenance of sufficient records in respect of works completed to gas appliances, fittings, and flues.

The Compliance Manager will act as deputy and support to the HoP&A.

The Head of Housing will provide key support in gaining access into 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.

WSHL will ensure that only suitably competent Gas Safe accredited contractors are procured and appointed to undertake works to gas fittings, appliances and flues. The operational team with responsibility for delivery will check the relevant qualifications of employees working for these contractors to ensure that all persons are appropriately qualified and accredited for the work that they are carrying out. These checks will be undertaken on an annual basis and evidenced appropriately.

Performance Reporting

Robust key performance indicator (KPI) measures will be established and maintained to ensure WSHL is able to report on performance in relation to gas safety. KPI measures will be produced and provided at Executive and Board level monthly. As a minimum, these KPI measures will include reporting on:

The total number of properties requiring a valid Landlord's Gas Safety Record (LGSR) – split by domestic, non-domestic and other.

RIDDOR incidents in month with narrative.

Non-Compliance

Any non-compliance issue identified at an operational level will be formally reported to the Head of Property & Assets in the first instance.

The Head of Property & Assets will agree an appropriate course of corrective action and report details of the same to the Executive team.

The Executive will ensure the Board are made aware of any non-compliance issue so they can consider the implications and take action as appropriate.

In cases of a serious non-compliance issue the EMT and Board will consider whether it is necessary to disclose the issue to the Regulator of Social Housing in the spirit of co-regulation as part of the Regulatory Framework.