Havebury Homes

Gas and Heating Policy (HS 032)

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1. Introduction and Objectives

1.1. As a landlord, we are responsible for the maintenance and repairs to our homes, communal blocks and other properties we own and manage, 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 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 residents are safe. These include air source heat pumps/ oil/ solid fuel/ solar thermal/ electrical heating systems.

1.3. The key objective of this policy is to ensure our Board, Leadership Team, employees, partners and residents 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. Scope

2.1. This policy is relevant to all our employees, residents, 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.

2.2. The policy should be used by all to ensure they understand the obligations placed upon Havebury to maintain a safe environment for residents 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. Roles and Responsibilities

3.1. The Board has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards. As such, the Board 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 Board will receive regular updates on its implementation, gas/heating safety performance and non-compliance.

3.3. The Leadership Team 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 Operations 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 Assistant Director of Asset Management has operational responsibility for the management of gas and heating safety and will be responsible for overseeing the delivery of these programmes.

3.6. Other operational teams will provide support where gaining access to properties is difficult and will assist and facilitate any legal/controlled access processes as necessary.

3.7. Under the requirements of the Social Housing (Regulation) Act 2023 we have appointed the Chief Executive our Health and Safety Lead for property compliance.

4. 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 of the legislation (Duties of Landlords) and we are the 'Landlord' for the purposes of the legislation.
- 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 (3rd 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 Safety and Quality Standard is the primary one applicable to this policy.

4.5. The Social Housing (Regulation) Act 2023 changes the way social housing is regulated and may result in future changes to this policy.

4.6. **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. Obligations

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

- Ensure relevant 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 residents 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. **The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022**, came into effect on 1 October 2022, require landlords to:

- Install 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.

5.3 For other heating types (as set out in Section 2.1), although there is no legal requirement to do so, we will carry out periodic safety checks to these properties as detailed in Section 7.

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

6. Statement of Intent

6.1 We acknowledge and accept our responsibilities under the Gas Safety Regulations, Smoke and Carbon Monoxide Alarm (Amendment) Regulations, and other duties outlined in Section 4 and Section 5.

6.2 We will carry out an annual gas/heating safety check to all properties, irrespective of whether the property has a gas supply or not.

6.3 We will ensure that copies of all landlord's gas safety records (LGSRs)/certificates are provided to residents or displayed in a common area within 28 days of completion.

6.4 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 tenancy end date or the date of the lock change. This is in line with our empty property management policy and procedure.

6.5 Where we have new build shared ownership homes we are marketing, we will keep the heating on during this marketing period. We or one of our agents will attend and undertake a visual inspection every 14 days and record these visits.

6.6 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 before they move in.

6.7 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, on all other gas appliances and associated flues within a property.

6.8 We will carry out a five-point visual check of resident owned appliances, provided that the tenant is able to provide evidence that the appliance has been installed by a Gas Safe Engineer. If the resident is unable to provide this evidence, then the appliance will be capped off until such time it can be deemed safe. The visual safety check (location, flueing, ventilation, signs of distress and stable and secure) will be done on gas cookers and gas fires, where the manufacturers' instructions are available. Where appliances are found to be faulty these will be disconnected, and a warning notice issued.

6.9 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.

6.10 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) or during an electrical installation condition report.

6.11 We will carry out an annual gas safety check to all properties where the gas supply has been capped, to ensure the supply has not been reconnected by the resident. At the same time, we will check on the resident's wellbeing and assess whether the lack of gas heating is adversely affecting the condition of the property. In addition, we will communicate every six months with these residents to ensure the property remains capped and inform the resident of what is required to reinstate gas at the property.

6.12 Any open flue gas appliances found in any rooms that are being used as bedrooms or for sleeping will be removed.

6.13 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.

6.14 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 to us within the terms of the tenancy agreement, lease or license. Where resident vulnerability issues are known or identified, we will ensure we safeguard the wellbeing of the resident.

6.15 We will operate effective contract management arrangements with the contractors responsible for delivering the service, 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.

6.16 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.

6.17 We will establish and maintain a risk assessment for gas safety management and operations, setting out our key gas safety risks and appropriate mitigations.

6.18 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 annually thereafter), component replacement works and refurbishment projects.

6.19 To comply with the requirements of the Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002, we will consider the safety of our workspaces and plant/boiler rooms of our residential blocks that fall within scope of the legislation.

6.20 We will ensure there is a robust process in place 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. 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 will consider and review the 'MOT' approach to gas safety checks within the lifecycle of this policy. 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 an annual check of electrical heating installations as part of a planned programme of servicing.

7.4 We will carry out an annual safety check to properties with, air source heat pumps/ oil/ solid fuel/ solar thermal/ electrical heating systems.

7.5 **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/depots), where we have the legal obligation to do so; these will be completed within 12 months from the date of the previous LGSR/certificate.

7.6 **Properties managed by others** – We will obtain LGSRs/gas safety certificates where our properties are managed by a third party. 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.

7.7 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. 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 stock, 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 in Keystone and CX and safety check records in CX.

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 in line with our document retention policy or the legal minimum requirement, whichever is greater, 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. 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 residents 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 residents to report any concerns about gas and heating safety, and help us engage with vulnerable and hard to reach residents.

9.3. We will share information clearly and transparently and will ensure that information is available to residents via regular publications and information on our website.

10. Competent Persons

10.1. The Heating contract lead 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 12 months of the approval of this policy.

10.2. All operatives/engineers working on gas appliances (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 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. Training

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. Performance Reporting

12.1. We will report key performance indicator (KPI) measures for gas/heating safety that follow the requirements set out in the Tenant Satisfaction Measures (TSMs) which came into force on 1 April 2023 and must be reported to the RSH on an annual basis.

12.2. We will report to the following, gas safety performance:

Report recipient	Frequency
Regulator of Social Housing	Annual
Leadership Team	Monthly
Board	Quarterly

12.3. We will also report the following:

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. 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:

- Five per cent of all new installations.
- Five per cent sample of field checks.
- 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. Significant Non-Compliance and Escalation

14.1. Our definition of significant non-compliance is any incident which has the potential to result in a potential 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 a Havebury employee becoming aware of it.

14.2. Any non-compliance issue identified at an operational level will be formally reported to the Head of Compliance in the first instance, who will agree a suitable course of corrective action with the Assistant Director of Assets and report details of the same to the Leadership Team.

14.3. In cases of serious non-compliance, Leadership Team and Board 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.

15. Glossary

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:

- The Defective Premises Act 1972
- Health and Safety at Work Act 1974
- Landlord and Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- The Occupiers' Liability Act 1984
- Workplace (Health, Safety and Welfare) Regulations 1992
- Pipelines Safety Regulations 1996
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Gas Safety (Management) Regulations 1996 (as amended)
- Provision and Use of Work Equipment Regulations 1998
- Management of Health and Safety at Work Regulations 1999
- Management of Houses in Multiple Occupation (England) Regulations 2006
- Pressure Equipment (Safety) Regulations 2016
- Pressure Systems Safety Regulations 2000
- Dangerous Substances and Explosive Atmospheres Regulations 2002
- Housing Act 2004
- 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
- Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022
- Social Housing (Regulation) Act 2023