



## CARE HOUSING ASSOCIATION GAS SAFETY MANAGEMENT POLICY

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<b>Created By</b>	<b>Mark Heywood</b>
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### 1. Objectives of the Policy

Care Housing Association (Care) is regulated by the Regulator of Social Housing (RSH) and has a statutory responsibility for discharging the landlord obligations surrounding gas safety management across all homes and offices owned or managed by Care.

The objectives of this policy are:

- To ensure that Care provide a safe environment for tenants, support staff, colleagues, third party employees, contractors and visitors who live, work or visit our properties.
- Establish key principles that will provide gas and carbon monoxide safety.
- Comply with Regulation 36 of the Gas Safety (Installation and Use) Regulations 1998 (L56 [Fifth Edition] 2018) to ensure that:
  - Gas appliances/flues and installation pipework are maintained in a safe condition.
  - An annual gas safety inspection of properties is undertaken where either gas is present or the potential for gas to be present exists.
- To achieve 100% gas safety compliance.
- To provide clear lines of responsibilities for the management of domestic gas and carbon monoxide.

### 2. Compliance with Regulatory Standards and Legal Obligations

The application of this policy will ensure compliance with the regulatory framework for social housing in England which was introduced in April 2012; this requires all housing providers to “meet all statutory requirements that provide for the health and safety of all occupants in their homes”.

Care accepts their responsibility to safely manage gas installations. This policy applies to all properties and offices with gas installations or the potential to have a gas installation owned or managed by Care.

The duties as set out in Gas Safety (Installation and Use) Regulations 1998 as amended rest with the “Duty Holder” (the person in charge of the premises and maintenance activities) in the non-domestic premises and those “common areas” (non-domestic areas) of properties providing rented accommodation.

It is essential to Care that tenants, support staff, colleagues, third party employees, contractors and visitors remain safe in the property in which they live, work or visit, failure of Care to discharge its legal responsibilities may result in:

- Prosecution by the Health & Safety Executive under the Health & Safety at Work Act 1974.
- Prosecution under Corporate Manslaughter and Corporate Homicide Act 2007.
- RSH serious detriment judgement.
- Reputational damage.
- Loss of confidence by stakeholders in the organisation.

This policy operates within the context of regulatory legal frameworks as follows:

- Health & Safety at Work Act 1974
- Gas Safety (Installation and Use) Regulations 1998 (and amendments)
- Gas Appliances (Safety) Regulations 1995
- The Building Regulations 2010 (and amendments)
- Pipelines Safety Regulations 1996
- Management of Health & Safety at Work Regulations (1999)
- Workplace (Health, Safety & Welfare) Regulations 1992
- Provision and Use of Work Equipment Regulations 1998
- Dangerous Substances and Explosive Atmospheres Regulations 2002
- Hazardous Waste Regulations 2005
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (2013)
- Construction Design and Management Regulations 2015
- Approved Codes of Practice (ACoP) (Health and Safety Commission)
  - ACoP Safety in the installation and use of gas systems and appliances L56
  - ACoP Landlords: A guide to landlords' duties Gas Safety (Installation and Use) Regulations 1998 – INDG285
  - ACoP Gas appliances: get them checked, keep them safe – INDG238
- The RSH Regulatory Standard (The Home Standard)

### **3. Scope**

This policy relates to all properties, offices and communal areas owned or managed by Care unless other parties are explicitly specified for statutory responsibility in the lease or management agreement.

### **4. Policy Detail**

Care will work with landlords, third party care providers, managing agents and tenants as applicable to ensure that annual gas safety inspections are carried out before the expiration of the current Landlord's Gas Safety Record (LGSR). Where responsibility for the safety of the gas installation rests with Care and access is denied, Care will arrange for a return visit and, where deemed appropriate, the landlord, third party care provider, managing agent or tenant will be recharged for the additional cost, as permitted by the terms of the lease, management agreement, licence agreement or tenancy agreement as applicable.

The Gas Service Engineer will make a detailed record of all attempts to gain access. If reasonable access is not provided Care will advise the landlord, third party care provider or managing agent that reasonable access has been denied and advise that should reasonable access not be provided Care will escalate action

and seek a legal or legislative remedy to ensure access is gained at the earliest possible opportunity in accordance with best practice. The cost of any legal action will be recovered from the landlord, third party care provider, managing agent or tenant in line with the provisions of the lease or the terms of the management agreement, licence agreement or tenancy agreement.

Care will take into account information with regard to the support needs of the tenant(s) and staff. The process will be detailed in the Domestic Gas and Carbon Monoxide Safety Management Procedure.

All Care installed gas, oil appliances (heating and cooking), solid fuel and open fires will be repaired and maintained to 'approved standards' and annually serviced either in line with the manufacturer's recommendations or at a combined annual gas safety inspection and service. The annual gas safety inspection will include an inspection of all carbon monoxide detectors present to ensure they are functioning correctly as detailed in the management procedure.

All flues associated with solid fuel properties will be subject to a bi-annual service.

We will proactively assess data (where available) for relevant information about the tenant to help gain access (disability, vulnerability etc). The process will be detailed in the Domestic Gas and Carbon Monoxide Safety Management Procedure.

#### **4.1 Non-Care Gas Appliances**

Should a tenant, third party care provider or managing agent request the installation of additional or alternative gas appliances Care will consider the request and will either:

- Approve the installation and, if requested, fund the installation and take responsibility for the ongoing servicing, maintenance and testing.
- Approve the installation but advise the tenant, third party care provider or managing agent that the appliance can be installed but the requester will take on the responsibility for the installation and ongoing servicing, maintenance and testing of the appliance. The new appliance can only be installed by a suitably qualified and experienced Gas Safe accredited engineer
- Reject the request if the request is not practically possible, inappropriate, uneconomical or another valid reason.

The repair and maintenance of any unauthorised gas appliance installed by the third-party care provider, managing agent or tenant will be the responsibility of the third-party care provider, managing agent or tenant. However, during the annual gas safety inspection a visual inspection of the tenant's own gas appliances will be undertaken, with the results recorded on the LGSR. These events will also be recorded on the Property File.

Where any non-Care gas appliances are found to be immediately dangerous it will be disconnected or isolated by appointed gas contractors. The gas contractor will notify Care immediately and Care will immediately notify the third-party care provider, managing agent or tenant.

If a void property due to be relet is found to have any authorised or unauthorised appliances installed will be assessed, overhauled, serviced and the responsibility for repair and maintenance will be taken on by Care. Any authorised or unauthorised appliances that, after assessment, are found to be beyond economic repair or operation will be removed before re-letting.

#### **4.2 Domestic Gas and Carbon Monoxide Safety Commitments**

Care will work within the following commitments:

- Gas safety inspections are carried out within the annual anniversary date by a registered Gas Safe engineer.
- Ensure at least one carbon monoxide (CO) detector is installed at every **property/room** that has a gas appliance installed and that the CO detector is tested annually as part of the gas safety inspection.
- If a tenant, third party care provider or managing agent fitted gas appliance fails the safety check it will be disconnected from the gas supply and the responsible person advised.
- A record of the gas safety check will be made available to the tenant, third party care provider or managing agent within 28 days of the gas safety check being completed.
- Ask Gas Service & Maintenance Contractors provide proof that all Gas Engineers are competent in carrying out work on site.
- Keep up to date, accurate, accessible records of gas service and maintenance visits.
- Adequate installation and upgrade programmes are carried out by competent qualified and accredited contractors.

## **5. Record Keeping**

- The requirement as to whether a gas safety check is required will be recorded in the LGSR tracker.
- A hard copy of the LGSR will be provided by the gas contractor and left on site to be filed in the Site Compliance Register. The gas contractor will provide an electronic copy of the LGSR, the details of which are to be checked and recorded in the LGSR tracker, and filed in the LSGR located on the in the Compliance Folder on the Public Drive.
- The gas contractor will provide an electronic copy of any PPM visit record sheet which is to be checked and filed in the PPM Sheets folder in the Gas Safety Management section in the Compliance Folder on the Public Drive.
- The gas contractor will provide an electronic copy of any Responsive Repairs visit record sheet which is to be checked and filed in the Responsive Repairs Sheets folder in the Gas Safety Management section in the Compliance Folder on the Public Drive.
- Care will keep a record of the LGSR on file for a minimum of two years or until a further two gas safety checks have been done where a property has been unoccupied for an extended period of time.

## **6. Contractors Competency**

Care will ensure that gas work is only undertaken by gas engineers that are competent and the following controls will operate to ensure competence can be demonstrated:

- Only gas engineers that are accredited with Gas Safe will be appointed to carry out annual landlord's gas safety checks.
- Only gas engineers that are accredited with Gas Safe will be appointed to carry out PPM inspections and checks.
- Only gas engineers that are accredited with Gas Safe will be appointed to carry out responsive repairs on domestic gas installations.

## **7. Monitoring**

Care's Board will act as Duty Holder and will receive regular reports on the performance of this policy. The Board are accountable for ensuring its implementation and are responsible for ensuring that any necessary remedial work necessary and remedial actions are undertaken to comply with the policy.

Care's Chief Executive will retain the overall responsibility for the monitoring of and the consistent implementation of this policy.

Care's Asset & Compliance Surveyor (ACS) will be responsible for implementing the policy on a day to day basis ensuring that any necessary remedial works or actions are undertaken and that sufficient competent resources are in place to ensure their capability to comply with this policy. The duties are detailed in the Gas Safety Management Procedure.

Care's Asset & Compliance Surveyor will be responsible for ensuring that any additional domestic gas installations are assessed, added to the gas safety management tracker and included in the gas safety management programme. The gas safety tracker is to be reconciled against the Care stock list on a quarterly basis, i.e. where a property that previously did not have a gas supply and/or gas appliances or new build properties, new acquisitions, new leased properties, are taken into management by Care.

Care's Asset & Compliance Surveyor will be responsible for producing a quarterly report to ensure performance can be measured. Metrics will include:

- The total Nr of properties with a gas supply.
- The total Nr of properties with a current LGSR.
- The percentage of properties with a current LGSR.
- The total Nr of properties without a current LGSR in place.
- The percentage of properties without a current LGSR in place.
- The total Nr of properties serviced within the last 11 months.
- The percentage of properties serviced within the last 11 months.
- The total Nr of Properties where legal action for access is underway.
- The percentage of properties where legal action for access is underway.

Housing Officers (HO) will, on a regular basis, check that a copy of the current LGSR has been filed in the CHA Compliance File that is kept on site. If there is not a current LGSR in the Compliance Folder the HO is to check with the Business Support Officer (BSO) that one has been issued and, if available, ensure that a hard copy of the LGSR is provided for support staff to file in the Compliance File.

If there is no current electronic copy of the LGSR in Care's Compliance Folder on the Public Drive the BSO is to advise the HO that one is required and notify the ACS immediately who is to contact the gas contractor and request an electronic copy of the document. If the gas safety check has not been completed, the ACS is to request that gas safety check is carried out without delay and record the gas safety check as being overdue.

A monthly review of Gas Safety Management will be undertaken Care's Asset and Compliance Surveyor to ensure that relevant issues are identified at an early stage.

Gas safety is a high-risk area and this policy will be reviewed on an annual basis. A strategic review will be undertaken every 2 years which will include all operating procedures.

## **8. Glossary of Terms**

- **Regulator of Social Housing (RSH)** is the public body that regulates affordable housing in England.
- **Health and Safety Executive (HSE)** – Non-departmental public body in the United Kingdom responsible for the encouragement, regulation and enforcement of workplace health, safety and welfare, and for research into occupational risks in England and Wales and Scotland.
- **Gas Safe** – Gas Safe Register is the official gas registration body for the United Kingdom, Isle of Man and Guernsey, appointed by the relevant Health and Safety Authority for each area. By law all gas engineers must be on the Gas Safe Register. Gas Safe replaced CORGI as the gas registration body in 2009.
- **Duty Holder** - The person responsible for ensuring the requirements of the CAR 2012 Regulation 4 are carried out. Under Regulation 4, landlords have certain duties towards their customers to minimise the risk of exposure to asbestos.
- **Responsible Person** – In order to properly manage gas safety in properties a responsible person(s)(RP) should be appointed. Generally, the RP will be a member of the site-based staff who will be responsible for the day to day management and running of the site which includes reporting maintenance issues and the basic planned preventative maintenance routines such as, having received the appropriate training, the weekly functionality tests on items such as smoke detectors or CO detectors.
- **ACOP** – Approved Code of Practice which are regarded as best practice and supplement regulation giving practical guidance on compliance.