



# **Guildford Borough Council Housing Services**

## **Gas and Heating Safety Policy**

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## **1. Introduction**

- 1.1. As a landlord, Guildford Borough Council Housing 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.
- 1.2. The key objective of this policy is to ensure our Senior Management Team (SMT), employees, partners, and residents are clear about our legal and regulatory gas and heating safety obligations. This policy provides the framework our staff and partners will operate within to meet these obligations.
- 1.3. 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).

## **2. Scope**

- 2.1. This policy applies to the following property types:
  - Domestic properties (houses – detached, semi-detached and bungalows, flats and maisonettes).
  - Communal blocks.
  - General needs housing.
  - Sheltered/independent living schemes.
  - Community centres.
- 2.2. 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. Adherence to this policy is mandatory.

## **3. Roles and responsibilities**

- 3.1. The Joint Strategic Director has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards.
- 3.2. SMT will receive monthly performance reports in respect of gas and heating safety and ensure compliance are being achieved. They will also be notified of any non-compliance issue identified.
- 3.3. The Housing Operations Board (HOB) will receive quarterly performance reports in respect of gas and heating safety and ensure compliance is being achieved. They will also be notified of any non-compliance.
- 3.4. Under the requirements of the Social Housing (Regulation) Act 2023, we have appointed the Head of Housing as our Health and Safety Lead. They have 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 Compliance Manager has operational responsibility for the management of gas and heating safety and will be responsible for overseeing the delivery of these programmes. The Mechanical and Electrical Engineer assigned to Domestic Gas management will be the operational lead on a day-to-day basis for domestic gas. The Mechanical and Electrical Engineer assigned to corporate gas will be the operational lead on a day-to-day basis for corporate gas.
- 3.6. The Access Liaison Officer and assigned Housing Officer will provide support where gaining access to properties is difficult and they will assist and facilitate as necessary.

#### **4. Legislation, Guidance and Regulatory Standards**

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

- The Landlord and Tenant Act 1985
- 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.
- Smoke and Carbon Monoxide Alarm (Amendment) Regulations 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 (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. The Social Housing (Regulation) Act 2023 changes the way social housing is regulated.

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 judgement from the Regulator of Social Housing.

## **5. Obligations**

5.1. The Gas Safety (Installation and Use) Regulations 1998 impose duties on landlords to protect residents in their homes. These obligations apply to both gas heating and liquid petroleum gas heating systems. 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 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, requiring 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, although there is no legal requirement to do so, we will carry out periodic safety checks to these properties as detailed in Section 7.

## **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 safety check to all properties with a gas supply in the building, irrespective of whether the gas is connected within the individual property or not. If the building does not have a gas supply, and instead has an electric supply, we will not carry out a gas safety check.
- 6.3. Where a resident fails to engage in the annual inspection process and fails to give access when requested, we will take appropriate legal action to gain access using legal court process of either an access injunction or the commencement of possession proceedings
- 6.4 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.
- 6.5. Any open flue gas appliances found in any rooms that are being used as bedrooms or for sleeping will be removed.
- 6.6. 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.
- 6.7. We will cap off gas supplies to all new build properties at handover from the contractor/developer to us if the new tenancy is not commencing immediately at the point of handover, if applicable.
- 6.8. We will liaise with the mutual exchange team who will endeavour to arrange to carry out gas safety checks 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.
- 6.9. 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.
- 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). Any smoke alarms or Carbon Monoxide detector found as defective or out of date will be replaced. If a smoke detector is not able to be repaired or replaced, a temporary battery-operated smoke detector will be installed until it can be repaired.
- 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. 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.

- 6.12. We will ensure that there is a robust process in place as part of the annual gas safety check for the management of immediately dangerous situations identified from the gas safety check.
- 6.13. 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. As a last resort, we will use the legal remedies available within the terms of the tenancy agreement/lease and use the Environmental Protection Act 1990 to gain a warrant of entry, in exceptional cases, provided the appropriate procedures have been followed and approval given by a Head of Service (or more senior role). Where resident vulnerability issues are known or identified, we will ensure we safeguard the wellbeing of the resident.
- 6.14. 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.
- 6.15. 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.
- 6.15. We will establish and maintain a risk assessment for gas safety management and operations, setting out our key gas safety risks and appropriate mitigations.
- 6.19. To comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM) a Construction Phase Plan will be in place for all repairs, work to void and tenanted properties (at the start of the contract and reviewed annually thereafter), component replacement and refurbishment works.
- 6.20. Within the lifecycle of this policy, we will establish compliance with the requirements of the Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002 as a part of the Fire Risk Assessment. We will consider the safety of our workspaces and plant/boiler rooms of our residential blocks that fall within scope of the legislation.

## **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.
- 7.3. We will carry out a safety check of electrical heating systems every five years during the periodic electrical inspection and testing programme.

- 7.4. 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), where we have the legal obligation to do so; these will be completed within 12 months from the date of the previous LGSR/certificate.
- 7.5. 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 take an appropriate course of action, which may include carrying out the safety check and re-charging them for the cost of this work.
- 7.6. 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 which will migrate during the lifecycle of this policy to TCW (The Compliance Workbook)
- 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/or the duration that we own and manage the property in line 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. Resident engagement**

- 9.1. We consider good communication essential in the effective delivery of gas and heating safety programmes, therefore we will maintain a Building Safety Resident Engagement Strategy 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 operational 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 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 individuals/organisations with a Microgeneration Certification Scheme accreditation (MCS) will undertake works on ground/air source heat pumps, solar thermal and biomass heating systems.
- 10.4. Only suitably competent NICEIC (or equivalent) electrical contractors and operatives will undertake servicing and repairs to electrical heating systems.
- 10.5. Only suitably competent Gas Safe registered and NICEIC (or equivalent) third party technical auditors will undertake quality assurance checks.
- 10.6. 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**

- 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. 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. These will be provided to the below groups at frequencies set out in the table below:

Report recipient	Frequency
Regulator of Social Housing	Annual
SMT	Monthly
HOB	Quarterly

12.3 We will also report the following:

Data – the total number of:

- Properties with a valid and in date LGSR/certificate.
- Properties without a valid and in date record LGSR/certificate.

Narrative - an explanation of the:

- Current position.
- Corrective action required.
- 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 endeavour to establish a programme of internal quality assurance audits of building safety activity including fieldwork inspections and desktop exercises. This will be done using sample percentages or based on the type of work or activity undertaken and associated risk.

13.2. We will endeavour to carry out an independent internal audit of building safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify any non-compliance issues for correction.

13.3. We will ensure there is an annual programme of internal quality assurance audits of gas and heating safety checks, gas appliance services and gas appliance repair works. This will be:

- Ten per cent of all new installations.
- Ten per cent of post-inspection combined field checks and desk top reviews.
- Ten per cent of all certificates

### **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, and which needs to be managed as an exception to routine processes and procedures.

14.2. 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 employee becoming aware of it.

- 14.3. Any non-compliance issue identified at an operational level will be formally reported to the Head of Housing in the first instance, who will agree an appropriate course of corrective action with the Compliance Manager.
- 14.4. In cases of serious non-compliance, the Director and Assistant Director of Housing 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.
- 14.5. 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.

## **15. Equality and diversity, vulnerability, and reasonable adjustments**

- 15.1 The Council is committed to promoting fair and equal access to services and equal opportunities in employment, the procurement of goods and as a community leader. The Council's policies, procedures and day to day practices have been established to promote an environment which is free from unlawful and unfair discrimination, while valuing the diversity of all people.
- 15.2 Discrimination on the grounds of race, nationality, ethnic origin, religion or belief, gender, marital status, sexuality, disability, and age is not acceptable: the Council will take action to ensure no person using the council's premises or services receives less favourable treatment or is disadvantaged by requirements or conditions that cannot be justified. The Council will tackle inequality, treat all people with dignity and respect and continue to work to improve services for all service users.
- 15.3 The legal framework for the Council's approach is provided by the Equality Act 2010 including the Public Sector Equality Duty (section 149 Equality Act 2010) under which a public authority must have regard to the need to try to eliminate discrimination, harassment, victimisation and to advance equality of opportunity and foster good relations between people with differing characteristics.

## **16. Glossary of terms**

- 16.1. 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.

## **17. Appendix 1- additional Legislation**

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

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.  
Pressure Systems Safety Regulations 2000.  
Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002.  
Housing Act 2004.  
Management of Houses in Multiple Occupation (England) Regulations 2006.  
Building Regulations 2010 (England and Wales).  
Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).  
Construction (Design and Management) Regulations 2015.  
Pressure Equipment (Safety) Regulations 2016.  
Data Protection Act 2018.  
Social Housing (Regulation) Act 2023