

# policy



## gas & solid fuel safety policy

<b>Responsible Officer:</b>	Assistant Chief Executive – Asset Management
<b>Approved:</b>	August 2018
<b>Review Date:</b>	October 2019
<b>Scope:</b>	Group Wide



**Duty Holder  
CEO**  
Appoint a responsible person or persons to take managerial responsibility and to provide supervision for the implementation of precautions.



**Accountable Person  
Company Secretary**  
Ensure compliance with regulatory and legal requirements



**Responsible Person.  
Assistant CEO Asset Management**  
Named Responsible Person  
Responsible for provision of supervision for the implementation of precautions.



**Responsible Person.  
Director, Building Services**  
Will be appointed with the responsibility of ensuring that the commitments in this policy are carried out



**Operations Manager /  
Gas Services Manager**  
Responsible for day to day management and application of the property procedures including record keeping



**Appointed Person  
Gas Compliance Manager**  
Ensure that all compliance procedures are carried out as far as is reasonably practicable in a timely and effective manner; ensure all data base records are effectively collated



**Field / Site Manager**  
Responsible for day to day management and application of the property procedures including record keeping

# Annual Gas Safety Inspection Policy

## 1.0 Introduction

- 1.1 This policy sets out Incommunities Group approach to ensuring safety in relation to gas & solid fuel installations, including boilers, fires and associated pipework, flues and gas appliances that are installed in Incommunities' tenanted residential properties.
- 1.2 It applies to all properties owned or managed by Incommunities and its Group Subsidiaries and let on periodic residential tenancies.
- 1.3 Installations in individual properties as well as communal areas are covered. Where there is a communal installation there may also be individual units served by the communal installation
- 1.4 There are potentially fatal risks associated with gas & solid fuel installations, both through leaks of gas itself, which is highly flammable, and carbon monoxide leaks, which are poisonous. If there is an incident, not only the company but also Board Members and individual officers may be held responsible.
- 1.5 Incommunities will take all reasonable steps to ensure that appropriate management systems are in place to ensure tenants, employees, contractors and members of the public are not put at risk from the effects of inadequately maintained gas and solid fuel installations

## 2.0 Statement of Intent

- 2.1 Incommunities Group will comply with its duties as set out in:
  - Health & Safety at Work Act 1974;
  - Landlord and Tenant Act 1985 Section 11;
  - Gas Safety (Installation and Use) Regulations 1998;
  - Building Regulations Part J 2015
  - Health and Safety at Work Regulations 1999;
  - Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
  - The Gas Industry Unsafe Situations Procedures Seventh Edition
  - Its tenancy agreements.
- 2.2 Incommunities Group will require its in-house staff and external contractors to comply with any relevant legislation and technical guidance. Incommunities also requires any such individual or company to be adequately trained and competent and will monitor their performance.
- 2.3 Incommunities Group will ensure that it discharges its duty as a landlord and:

- completes a Landlords Gas Safety Record inspection of all the gas installations for which it is responsible, at least every 12 months;
- conducts servicing of all gas appliances for which it is responsible as defined in appliance manufacturer's instructions;
- maintain in a safe condition together with any necessary remedial work all gas appliances, flues and installation pipework for which it is responsible
- conduct an annual inspection of any flues serving solid fuel burning appliances along with an annual chimney sweep and appliance safety inspection

## 3.0 Policy

### Gas Safety Inspection

- 3.1 Carrying out regular gas safety checks of 100% of all gas installations where one is legally required, is the basis of Incommunities overall approach to gas safety. All installations, for which Incommunities is responsible, must therefore have a valid Landlords Gas Safety Record (CP12) at all times.
- 3.2 Incommunities Group will make all reasonable attempts to complete a gas safety inspection every 12 months in properties that are:
- Lawfully occupied, including communal installations
  - Vacant
  - At a change of tenancy and for every new tenancy, Incommunities will undertake a separate gas safety inspection. A copy of the current CP12 will be made available to the tenant prior to re-let
  - Subject to a mutual exchange
  - Without a valid CP12 certificate
  - Incommunities will retain a CP12 for 2 years in line with current regulations
- 3.3 On new build properties and those undergoing substantial refurbishment or major repairs, a CP12 will be available at the point of handover.
- 3.4 The gas safety check will consist of:
- A gas tightness test for leaks
  - A service and safety inspection of all Incommunities Group appliances
  - A check on required ventilation
  - A safety/performance check of all Incommunities Group chimneys/flues
  - A visual inspection of residents private appliances (i.e. gas cookers, gas fires)
  - Advice on energy efficiency / appliance usage if required
  - A posted copy of the CP12 inspection within 28 days
- 3.5 All gas appliances; pipe work and flues will be repaired and maintained to approved standards.
- 3.6 A Gas Safe Registered engineer will complete all safety inspections.

- 3.7 Any faults identified through the gas safety inspection will be dealt with as appropriate, according to severity and in accordance with The Gas Industry Unsafe Situations Procedure. They may be:
- Rectified at the time of the check, where the gas team is able to do so
  - Scheduled for repair according to the appropriate repair timescale
- 3.8 Any gas appliance or installation that fails a gas safety inspection, and cannot be immediately repaired, will be either turned off if classified as 'At Risk' or disconnected from the gas supply if classified as 'Immediately Dangerous' and the customer instructed not to use it until it can be repaired/replaced and issued an advisory written warning notice in accordance with The Gas Industry Unsafe Situations Procedures. A Gas Safe Register Engineer will then affect a repair or the appliance will be replaced as soon as practicably possible.

### **Certification**

- 3.9 Incommunities Group will create and retain a record of gas safety inspections in the form of a CP12 ( Landlords Gas Safety Record) and make this record available for inspection by any lawful occupier of the premises and provide a copy to a tenant within 28 days of the gas safety inspection being completed. Incommunities Group will hold CP12's as electronic record on its computer database.

### **Customer Responsibilities**

- 3.10 The tenant is responsible for:
- Allowing access for the gas safety inspection
  - Immediately reporting any concerns with gas appliances and turning them off until they are checked by a competent person
  - Not use or permit to be used any appliance they have reason to suspect may constitute a danger to any person
  - The annual service, repair and renewal of appliances not owned by Incommunities
  - The tenant must not attempt to reconnect or use an appliance notified as 'at risk' or 'immediately dangerous'
  - The cost of repairing or replacing any gas installation/appliance in the property that is damaged through neglect, carelessness or deliberate action on the part of the tenant or anyone living in/visiting the property  
Incommunities reserves the right to carry out the work and may recharge the tenant for the full cost
  - Obtaining written permission to install their own gas or solid fuel fire
- 3.11 Long leaseholders and shared owners do not fall under duties of landlords as defined in the Gas Safety (Installation and Use) Regulations 1998. However, Incommunities will remind leaseholders and shared owners of the importance of carrying out a gas safety inspection and will offer a gas safety inspection service at a competitive price.

## **Responsibility for Appliances**

- 3.12 Incommunities Group will ensure as far as reasonably possible that it is aware of all instances where gas appliances are present in its stock.
- 3.13 Incommunities Group is responsible for gas appliances which it has installed in its stock or retained/taken ownership of from a previous tenant.
- 3.14 Incommunities Group is not responsible for private gas appliances installed by the customer (i.e. gas cookers/private gas fires). However, if a tenant owned gas appliance is present, the gas team will complete a visual inspection of it as part of the gas safety inspection. If the appliance is found to be unsafe the gas team will either turn off or disconnect the appliance according to the severity of the risk and the customer instructed not to use it until it can be repaired/replaced and issued an advisory written warning notice in accordance with The Gas Industry Unsafe Situations Procedures.

Incommunities Group retains responsibility for maintaining all flues in their premises under the Health and Safety at Work Act 1974. Consequently we are still obliged to remove and refit any tenant owned appliances connected to flues in order to carry out the required annual inspection. On reconnection mandatory safety checks will be carried out on gas appliances as required by Regulation 26.9 of the GIUSP 1998.

- 3.15 Incommunities Group can retain any gas fire or boiler that has been installed on behalf of a previous tenant. The gas fire or boiler will then become the responsibility of Incommunities and will be subject to gas safety inspections under the provisions of this policy and requirements of the GIUSP 1998.
- 3.16 If any appliance or installation that is owned by the customer is found to be defective upon inspection, then the inspecting engineer may terminate the gas supply to the appliance/installation and make recommendations for the required repairs in accordance with The Gas Industry Unsafe Situations Procedures.
- 3.17 In accordance with the tenancy agreements, Incommunities Group will prohibit tenants from using portable gas appliances and where necessary will take action to prevent their continued use.

## **Solid Fuel Safety Inspection**

- 3.18 Due to a recent prosecution by the HSE of a Social Landlord following a fatality in connection with a private coal burning appliance, and the maintenance duties and responsibilities this prosecution now places on Landlords, along with the dangers associated with this type of appliance when poorly maintained Incommunities Group will prohibit the further installation of open flued solid fuel burning appliances to its properties.
- 3.19 An annual safety inspection and chimney sweep will be carried out on all flues serving existing solid fuel appliances (irrespective of whether it is a landlords or

private appliance) along with a solid fuel appliance safety check and installation of CO alarm. A written record of these safety checks will be retained by Incommunities Group for two years.

Further to this all residents with open flue solid fuel burning appliances will be provided with annual Solid Fuel Association maintenance advice leaflets and will be required to complete a short advisory maintenance questionnaire.

- 3.20 Any solid fuel open flue appliances in void properties will be removed before re-let and replaced with either gas or electric appliances, or the builders opening enclosed.

### **Safety Checks for Void Properties and Mutual Exchanges**

- 3.21 Incommunities Group will 'cap off' the gas supply to any void property to mitigate the risk of gas escape or potential explosion as a result of theft or vandalism to the gas installation while the property is unoccupied. The property will be uncapped on re-let.
- 3.22 Incommunities Group in accordance with the GIUSP must ensure that all gas fittings/appliances are safe before re-letting. Tenants may have removed appliances unsafely or left their appliances in place. A gas safe registered engineer will:
- Carry out a tightness test on the gas pipework installation
  - Carry out safety checks to all appliances to ensure adequate gas rate, adequate ventilation, adequate fluing and safe operation
  - Remove any appliances not owned by Incommunities
  - If any residents appliances that are retained will become the responsibility of Incommunities and must be safety checked prior to re-let and there after maintained by Incommunities and included on annual Landlords Gas Safety Record check and annual service schedule.
- 3.23 The Housing re-lettings officer must ensure there is a valid in date Landlord's Gas Safety Record and supply the incoming tenant with a copy prior to re-let. If there isn't, a valid in date LGSR/service record, a further Landlords Gas Safety Record Inspection along with service of all appliances should be carried out.
- 3.24 A mutual exchange/new tenancy will not be completed without a valid LGSR and service record.
- 3.25 In the case of mutual exchanges where the tenant does not allow access the mutual exchange will not proceed.

### **Unsafe situations**

- 4.1 All gas unsafe situations must be dealt with in accordance with the Gas Industry Unsafe Situation Procedures (GIUSP) 1998 7<sup>th</sup> Edition including any amendments

- 4.2 When staff are contacted with a report of fumes, gas escape or CO alarm activation, the tenant/responsible person must be advised to:
- Turn off the gas supply at the emergency control valve next to the meter
  - Extinguish all naked flames
  - Do not operate electrical switches
  - Open doors and windows
  - Contact the gas emergency centre on 0800 111 999
- 4.3 When employees or contractors encounter a dangerous gas fitting / appliance / installation resulting from poor workmanship then the incident must be investigated under RIDDOR regulations (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995)
- 4.4 When employees encounter illegal gas work carried out by a non Gas Safe registered person, it should be made safe or disconnected and reported to Gas Safe Register

## 5 Procedures

- 5.1.1 Our objective is to gain access to all domestic rented properties to undertake an annual gas service and safety check including gas and solid fuel appliances, and complete a Landlord Gas Safety Record, thereby fulfilling Incommunities' legal obligations.
- 5.1.2 It is the responsibility of the in-house Gas Team to ensure that a minimum of two pre-notified visits to any property, for the purposes of servicing, has taken place before any further actions can be considered.
- 5.1.3 It is the responsibility of all Incommunities staff to assist in arranging access to properties requiring an annual service.
- 5.1.4 Vulnerable tenants should be identified through customer profiling at an early stage in the servicing cycle and consideration given to appropriate methods of contact and engagement. This may require a more flexible approach to scheduling appointments and the servicing cycle.
- 5.1.5 Sanctions may be applied to those who have not allowed access for gas servicing.
- 5.1.6 Legal action will only be undertaken by the Legal Services Team. Possession proceedings will only be taken as a last resort

### Access

- 5.2.1 Most tenants allow access for annual gas safety inspections. However, a small minority that do not comply cause danger to themselves, visitors and neighbours.

Incommunities retains responsibility to ensure that gas safety checks are carried out, even where there are access difficulties.

- 5.2.2 A landlord is permitted to enter a tenant's property to view the condition and state of repair under Section 11(6) of the Landlord and Tenant Act 1985, provided that the occupier is given at least 24 hours written notice.
- 5.2.3 It is also a condition of the tenancy agreement that tenants must provide access to their properties for a gas check. The circumstances in which they are obligated to do so are set out in the tenancy agreements. Neighbourhood Services and the Customer Contact Centre will assist in gaining access where there is an expired CP12. The Customer Contact Centre will also arrange services that are expired if the customer contacts them to request a repair.
- 5.2.4 Incommunities Group operate an appointment-based system for gas safety inspections.
- 5.2.5 Responsibilities for contact/access are as set out in table below:

Programming and planning appointments	In-house Gas Team
Text messaging reminders	In-house Gas Team
Recording missed appointments	Automated
Reappointments	In-house Gas Team
Site visits and additional contacts	In-house Gas Team Neighbourhood Officers Intensive Housing Management Officers
Legal action	Legal services
Vulnerable tenants	Neighbourhood Officers Intensive Housing Management Officers

There is an emphasis on joint and co-ordinated working between departments.

- 5.2.5 A minimum of two appointments will offered prior to a current certificate expiring. Appointments are scheduled by the Gas Team and notified to the customer. If the arrangement is not convenient, the tenant can select another date from the following:
  - AM visit
  - PM visit
  - All day visit
  - Saturday (8am – 2pm)
  - Evenings (this will be 4 days of the week in British summer time).
- 5.2.6 Automated texts are sent the day before to remind tenants of the appointments
- 5.2.7 Failed appointments are notified to the Gas Team in real time through Gas Engineers' hand-held units

**Local arrangements for Sadeh Lok are included in a separate procedure**

- 5.3.1 Incommunities Group gas safety inspection contract cycle will run over a ten month period.
- 5.3.2 Incommunities Group will identify vulnerable customers who repeatedly fail to engage with the gas servicing programme and work proactively to ensure timely access and thus avoid persistent breach of their tenancy.

Such customers, once identified, may have their servicing cycle reduced to nine months to enable access within the twelve month anniversary.

Account will also be taken of those whose first language is not English or those who are unable to understand the importance of gas servicing

- 5.3.3. Incommunities Group follows an incremental access process:

- Letter 1 (sent first class): Advising of a scheduled visit with option to change to alternative date/time. The scheduled visit will be 7 days from the date on letter
- Letter 2 (first class) : Advising customer of scheduled visit with opportunity to change to alternative date and reference to legal proceedings. The scheduled visit will be 7 days from the date on letter
- After a failed second appointment, all reasonable attempts will be made to contact the tenant and such efforts will be recorded. Attempts will be made to establish direct personal contact and a third appointment scheduled (14 days). It is at this stage that the Gas Team contact other departments such as Neighbourhood Services, Income Team, CCTV team (if access is required within a monitored high rise block). These teams are required to assist with gaining access.
- Letter 3 (first class): Letter before Action - warning of Legal action
- application to Court within 14 days of date of service of Letter 3

Target days within a year cycle are tabled below.

All “out of anniversary” properties should have been submitted to Legal services before expiry of the annual service.

Letter 1	Letter 2	Start of Stage 3	Letter 3 / sent to legal	Application to Legal Services
305 <sup>th</sup> day	315 <sup>th</sup> day	325 <sup>th</sup> day	340 <sup>th</sup> day	354 <sup>th</sup> day

- 5.3.4 Where an injunction is being pursued the order sought will be one requiring the tenant to give access to Incommunities Group for the purpose of completing the gas safety inspection at the property, servicing of gas appliances and doing any work found to be necessary. Incommunities Group reserves the right to apply for an order for costs. Enforcement may be through committal proceedings or action for possession.
- 5.3.5 The issue of a Notice of Seeking Possession, followed by possession proceedings, may take place concurrently with the application for an injunction. It is anticipated that few cases will reach this stage and a decision will be made on a case-by-case basis.
- 5.3.6 Incommunities Group will ensure that every effort is made to gain access prior to pursuing legal action. Where legal intervention is sought, the preferred first option is the use of injunctions. Where specific circumstances suggest this route will not be effective, or after this route has failed Incommunities will vigorously pursue possession proceedings and will continue to do so until the gas safety inspection is completed.
- 5.3.7 Alongside any legal actions, in exceptional circumstances should the annual service be overdue in excess of three months or any emergency situation arises, Incommunities will take a risk-based approach, based on consideration of all known information, to forcing entry in order to cap the gas supply. In all these cases legal advice will be sought from the Director of Legal and Governance or their delegate. **Once legal advice has been provided, EMT will make the decision on whether to permit forced entry.**

## 5.4 Additional actions

- 5.4.1 For all cases of no access, a range of options are available to Incommunities. This may include:
- assisting the customer to switch suppliers or review their tariffs if there is a fuel poverty issue
  - installing intermittent gas cut off, countdown, alerting devices or any other emerging technologies relevant to ensuring that gas services are safe. These devices will be fitted where there has been a history of difficult access or there is reasonable belief that access will be problematic in the future.
  - mutually agreed disconnection/capping of the gas supply.

However, this will not affect the access process as identified in 5.3.1 to 5.3.6

- 5.4.2 Sanctions may be imposed on tenants failing to allow access for gas servicing. These include:
- limiting repairs to those specified in the Landlord and Tenant Act 1985 s.11
  - excluding tenants from improvement programmes or other investment schemes

Sanctions will remain in place until the overdue service is completed

- 5.4.3 Before sanctions are applied consideration will be given to any health and wellbeing issues on an individual basis
- 5.4.4 Incommunities Group in-house gas service team have access to telephone interpreting services 24 hours a day, 7 days a week in any language needed.
- 5.4.5 Letters sent to the tenant by Incommunities Group will contain alternative format straplines.

## **6 Contractor Management**

- 6.1 Incommunities will ensure that any contractors commissioned to carry out work or safety checks on gas/ solid fuel installations and appliances are competent to do so and are registered in accordance with the regulations (currently Gas Safe or HETAS registered)
- 6.2 It is the responsibility of the contractor to ensure that adequate safety precautions are taken when working on gas/solid fuel installations.

## **7 Publicising the Policy**

- 7.1 Incommunities Group will publicise the policy and provide gas safety advice to tenants and leaseholders in a number of ways:
  - Tenant Handbook;
  - Gas safety leaflet, including carbon monoxide advice;
  - At Home Newsletter;
  - Website.

## **8.0 Implementation**

- 8.1 The Gas Policy is underpinned by detailed procedures and training for all relevant officers.

## **9.0 Monitoring Performance**

### **Performance Reporting**

- 9.1 Incommunities Group will use a range of measures to monitor the performance of the service:

Key measures will include;

- Percentage of properties with a valid CP12;
- Satisfaction with overall service;

- No. of no accesses
- No. of complaints
- No. of properties with Legal Services for Court Injunction
- Quarterly check of Incommunities asset register against gas servicing schedule.

9.2 Incommunities Compliance team will monitor performance against the key measures. A summary of performance against key measures will be reported at each meeting of the Group Board and Housing Association Board.

Performance will be reported to tenants and leaseholders in the @home tenant newsletter and on the Incommunities website.

9.3 Incommunities Group will obtain satisfaction information either at the completion of the service or in the form of a call-back call following the inspection. This will be used to check levels of satisfaction on all aspects of the gas safety inspection process.

9.4 Incommunities Group will examine patterns of satisfaction by equality monitoring categories.

## 10 Quality Control

10.1 The quality of gas safety inspections will be checked by an external organisation with appropriately qualified inspectors, providing independent assurance that gas safety risks are minimised. The results of these technical quality checks will be reported to the appropriate Board/committee.

10.2 An Incommunities qualified surveyor will assess a proportion of the gas safety inspections; they will check the technical aspects of the inspection and the level of customer service.

10.3 Incommunities Gas Compliance section will check a minimum 10% of Landlords Gas Safety Records completed over the annual contract cycle, for accuracy and compliance.

### Quality Standard

10.4 The annual gas safety inspection will be carried out in accordance with the mandatory landlords requirements set out in the Gas Safety (Installation and Use) Regulations and specific manufacturer's instructions relevant to individual appliances.

## 11 Review

11.1 There will be a review of this policy whenever there is a fundamental change of legislative or regulatory provisions, or when other information becomes available

that will impact on the policy, such as the outcome of a service review. Irrespective of this, there will be a bi-annual review of the policy.