

# **Gas Safety Policy**



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## **1 Introduction**

- 1.1 West Lancashire Borough Council (WLBC) owns and manages approximately 6,000 council homes and other public and commercial buildings.
- 1.2 Council and Cabinet develop and set Corporate strategy. Directors/Heads of Service are responsible for implementing the strategy including observing relevant compliance requirements impacting their services. The most senior management team of the Council provides a forum for consideration of both development and delivery of strategy.
- 1.3 WLBC is responsible for the maintenance and repairs to its 6,000 homes and other buildings, many of which will contain gas installations and appliances. The Gas (Installation and Use) Regulations 1998 specifically deal with the installation, maintenance and use of gas appliances, fittings and flues in domestic properties and certain commercial premises. The regulations also place a legal duty on landlords to ensure that gas appliances, fittings and flues provided for tenants' use are safe.
- 1.4 WLBC is also responsible for maintaining other types of heating systems to ensure that all appliances, fittings and flues provided for tenants' use are safe. These may include oil fired, solid fuel, biomass, air source and other types of heating systems.

## **2 Scope**

- 2.1 WLBC 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 WLBC 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.
- 2.2 WLBC must ensure compliance with gas safety legislation is formally reported at Cabinet level, including the details of any non-compliance and planned corrective actions.
- 2.3 The policy is relevant to all WLBC 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.
- 2.4 It should be used by all to ensure they understand the obligations placed upon WLBC to maintain a safe environment for tenants and employees within the home of each tenant and within all non-residential premises or areas of buildings.
- 2.5 The policy is also relevant for maintaining a safe environment for all tenants and employees within all WLBC non-domestic properties.

- 2.6 Where legal obligations relating to this area of compliance have been transferred to a tenant/leaseholder (e.g. Commercial Lets). The appropriate Director will endeavour to ensure that tenants/leaseholders are complying with the terms of the lease and their statutory obligations.

### **3 Regulatory Standards, Legislation and Codes of Practice**

- 3.1 **Regulatory Standards** - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England.
- 3.2 **Legislation** - the principal legislation applicable to this policy is The Gas Safety (Installation and Use) Regulations 1998 (as amended). WLBC 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.
- 3.3 **Code of Practice** – the principal codes of practice applicable to this policy are as follows:
- 3.3.1 **ACoP L56** - 'Safety in the installation and use of gas systems and appliances' (4<sup>th</sup> edition 2013).
- 3.3.2 **INDG285** - 'A guide to landlords' duties: Gas Safety (Installation and Use) Regulations 1998'.
- 3.4 **Sanctions** - WLBC acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and codes of practice and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health & Safety Executive under the Health & Safety at Work Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and via a serious detriment judgement from Homes England.
- 3.5 **Tenants** - WLBC will use the legal remedies available within the terms of the tenancy agreement, lease or licence should any tenant refuse access to carry out essential gas safety checks, maintenance and safety related repair works.
- 3.6 In exceptional cases and where it is clearly identified that wider welfare risks exist to others, the organisation will consider the use of forced entry to safeguard against the risk. The Director of Housing and Inclusion will approve any such cases.

### **4 Additional Legislation**

- 4.1 This gas safety policy also operates in the context of legislation including the following legislation:
- Health and Safety at Work Act 1974
  - The Management of Health and Safety at Work Regulations 1999

- The Workplace (Health Safety & Welfare) Regulations 1992
- Gas Safety (Management) Regulations 1996 (as amended)
- Dangerous Substances and Explosive Atmospheres Regulations 2002
- Pressure Systems Safety Regulations 2000
- Pipelines Safety Regulations 1996
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Provision and Use of Work Equipment Regulations 1998
- Construction, Design and Management Regulations 2015
- Landlord and Tenant Act 1985
- Data Protection Act 1998
- RIDDOR 2013

## 5 Obligations

5.1 The Gas Safety (Installation and Use) Regulations 1998 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:

- 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 2 (two) years
- 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
- 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.

5.2 In addition, landlords must ensure that no gas fitting of a type that would contravene Regulation 30 (e.g. 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.

## **6 Statement of Intent**

- 6.1 WLBC acknowledges and accepts its responsibilities under the Gas Safety (Installation and Use) Regulations 1998.
- 6.2 WLBC will hold accurate records against each property it owns or manages setting out the requirements for gas safety checks and servicing of all gas fittings, appliances and flues.
- 6.3 WLBC will periodically (not more than intervals of 5 years) commission an independent external asset data review to ensure adequate assurance is provided that gas supply data held against the organisation's property assets is accurate and up to date.
- 6.4 WLBC 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.
- 6.5 WLBC 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.
- 6.6 WLBC 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.
- 6.7 WLBC 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.
- 6.8 WLBC 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.
- 6.9 WLBC 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 after moving in.
- 6.10 WLBC will test and replace as necessary hard wired smoke alarms as part of the annual gas safety check visit. This may include replacement with battery operated smoke alarms.
- 6.11 WLBC will supply carbon monoxide detectors to all homes through a planned programme in 2018-19.
- 6.12 WLBC 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.

- 6.13 WLBC 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.
- 6.14 WLBC will ensure that only suitably competent Gas Safe accredited engineers undertake gas works for the organisation.
- 6.15 WLBC will remove any open flue gas appliances found in any rooms that are being used as bedrooms.
- 6.16 WLBC will carry out a gas safety check and issue a new LGSR for the whole property following the installation of new gas appliances.
- 6.17 WLBC will ensure that robust processes and controls are in place to manage works to void and occupied properties that may affect existing gas installations.
- 6.18 WLBC 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.
- 6.19 WLBC will establish and maintain a plan of all continuous improvement activity undertaken with regards to gas safety.
- 6.20 WLBC will ensure that where applicable all solid fuel, chimney stacks, oiled fire appliances and flues are inspected and maintained at least annually and that this work is completed by a suitably competent engineer.

## **7 Compliance Risk Assessment/Inspection Testing Programmes**

- 7.1 WLBC will establish and maintain a risk assessment for gas safety operations. This risk assessment will set out all of the organisations' key gas safety risks together with appropriate mitigations.
- 7.2 To comply with the requirements of the Construction, Design and Management Regulations 2015 (CDM) a Construction Phase Plan will be completed for all void works (at the start of the contract and annually thereafter), component replacement works and refurbishment projects. This plan will detail any gas installations that may be affected by the works and detail all necessary gas work required to make safe and reinstate gas installations including the requirement for a new gas safety check, maintenance service and LGSR.
- 7.3 WLBC will carry out a programme of annual gas safety checks and services to all its **domestic properties**. 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.

- 7.4 WLBC will ensure robust management processes are in place to take advantage of proposed changes to Part F, Regulation 36 (3) of the Gas (Installation and Use) Regulations 1998 that will provide landlords with some flexibility around the anniversary date of LGSRs. The proposal is that if a new gas safety check is completed within 10 months and 1 day of the previous safety check then the new LGSR can be dated as the 12-month anniversary date of the previous LGSR. This is likely to come into effect in April 2018 subject to the changes coming into force.
- 7.5 WLBC will carry out a programme of annual gas safety checks and services to all **non-domestic, public and commercial 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, these safety checks and maintenance services will be carried out by a suitably competent engineer. These installations may include catering equipment, boilers serving communal heating systems, combined heat and power systems and water heating boilers.
- 7.6 WLBC will carry out where applicable a programme of annual safety checks and services to all **oil fired and solid fuel systems**. This check will include all fittings, appliances and flues in the property in accordance with all relevant British Standards and will be completed no longer than 12 months from the date of the previous safety check / service. These safety checks and maintenance services will be carried out by a suitably competent engineer.

## **8 Compliance Follow up Work**

- 8.1 WLBC will ensure there is a robust process in place for the management of any follow-up works required following the completion of a gas, oil or solid fuel safety check.
- 8.2 WLBC will ensure that there is a robust process in place to collate and store all warning notices and associated records of completed remedial works.
- 8.3 WLBC will replace any faulty hard wired smoke alarms and carbon monoxide detectors (once these have been fitted during 2018-19) in a property where faults are identified as part of the annual safety check.
- 8.4 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.
- 8.5 WLBC will ensure there is a robust process in place to investigate and manage all RIDDOR notices issued with regard to gas safety.

## **9 Record Keeping**

- 9.1 WLBC 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, oil and solid fuel inspection and servicing requirements, where applicable, for all domestic and non-domestic property assets.
- 9.2 WLBC 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.
- 9.3 WLBC 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.
- 9.4 WLBC will hold and maintain accurate records on the qualifications of all engineers undertaking gas works for the organisation.
- 9.5 WLBC will ensure robust processes and controls are in place to provide and maintain appropriate levels of security for all gas safety related data.

## **10 Key Roles and Responsibilities**

- 10.1 WLBC Cabinet will have overall governance responsibility for ensuring the gas policy is fully implemented to ensure full compliance with the regulatory standards, legislation and codes of practice. As such the Cabinet will formally approve this policy and review should there be a material change in regulation, legislation or codes of practice).
- 10.2 The Cabinet will receive regular updates on gas safety performance along with notification of any non-compliance issue which is identified. This is so they have assurance that the policy is operating effectively in practice.
- 10.3 The Council's most senior officer team will receive reports in respect of gas management performance and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 10.4 The Director of Housing and Inclusion has strategic responsibility for the management of gas safety and ensuring compliance is achieved and maintained. The Property Services Manager and Deputy Property Services Manager will oversee the implementation of the gas safety policy.
- 10.5 The Property Services Manager and Deputy Property Services 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.

10.6 The Director of Housing and Inclusion 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.

## 11 Competent Persons

11.1 WLBC will ensure that the manager with lead responsibility for operational delivery is appropriately qualified; holding a recognised gas safety management qualification. In addition to this they should have or be working towards gaining the CORGI Level 4 VRQ in Gas Safety Management and full membership of the Association of Gas Safety Managers. If they do not have these already, they should obtain them within 12 months of the approval of this policy

11.2 WLBC will ensure that all operatives (internal or external contractors) maintain Gas Safe accreditation for all areas of gas works that they undertake. The operational team with responsibility for delivery will check the relevant accreditations for the work that they are carrying out. These checks will be undertaken on an annual basis and evidenced appropriately.

11.3 WLBC will ensure that only suitably competent Accredited Certification Scheme (ACS) gas accredited engineers are employed by the organisation 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 WLBC 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.

11.4 WLBC 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.

11.5 WLBC will ensure that where applicable, only suitably competent Oil Firing Technical **Association (OFTEC) and/or** accredited contractors are procured and appointed to undertake works to oil fired and solid fuel 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.

## 12 Training

- 12.1 This policy and the procedures that support it will be subject to a range of training across WLBC and will involve all relevant stakeholders. The training will be bespoke to the individual stakeholders and refresher training will be provided as appropriate.
- 12.2 Training will include team briefings for those employees who need to have a basic understanding and awareness of gas safety but who may not be actively involved in the delivery of the gas safety policy. This will be basic gas safety awareness training and will be covered in team meetings.
- 12.3 On the job training will be provided to those employees who will be responsible for managing the programme of gas safety checks and repair works to gas fittings, appliances and flues as part of their daily job. The manager(s) with lead responsibility for operational delivery will hold the CORGI Level 4 VRQ in Gas Safety Management and will ideally be a full member of the Association of Gas Safety Managers (AGSM). WLBC will fund training as necessary so they gain this qualification and membership. This will happen within 12 months of approval of this policy.
- 12.4 Regular tool box talks will be given to operatives in the form of appropriate gas safety training. WLBC's partner contractors will be expected to do this with their operatives and evidence this to WLBC on request.
- 12.5 Briefings will be provided to those employees involved in the monitoring of compliance performance in relation to gas safety.

### **13 Performance Reporting**

- 13.1 Robust key performance indicator (KPI) measures will be established and maintained to ensure WLBC is able to report on performance in relation to gas safety.
- 13.2 KPI measures will be produced and provided at the Council's most senior management team level on a regular basis and at Cabinet level within the performance suite of KPI's. These KPI measures will include reporting on:
  - 13.2.1 The number (and percentage) of properties with a valid LGSR for all homes and buildings owned or managed by WLBC which require one.
- 13.3 WLBC will carry out independent third party quality assurance audits of gas safety checks, gas appliance services and gas appliance repair works as required by the WLBC gas safety compliance risk assessment. Best practice suggests this should be a 5% sample of the total gas safety works carried out.
- 13.4 WLBC will carry out an independent audit of gas safety at least once every five years. This audit will specifically test for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues for correction.

### **14 Non-Compliance**

- 14.1 Any non-compliance issue identified at an operational level will be formally reported to the Director of Housing and Inclusion in the first instance.
- 14.2 The Director of Housing and Inclusion will agree an appropriate course of corrective action with the operational team in order to address the non-compliance issue and report details of the same to the Council's most senior management team.
- 14.3 The Director of Housing and Inclusion will ensure the Cabinet are made aware of any non-compliance issue so they can consider the implications and take action as appropriate.
- 14.4 In cases of any serious non-compliance issues the Director of Housing and Inclusion and the relevant Portfolio Holder will consider whether it is necessary to disclose the issue to Homes England in the spirit of co-regulation as part of the Regulatory Framework.