

Electrical 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 and other buildings, all of which will contain electrical installations and appliances. The Landlord and Tenant Act 1985 and the Housing Act 2004 place duties on landlords to ensure that these electrical installations are safe at the start of any tenancy and are maintained in a safe condition throughout the tenancy.
- 1.4 WLBC is also responsible for maintaining electrical installations and equipment including communal parts of domestic premises in addition to non-domestic buildings and offices.

2 Scope

- 2.1 WLBC must establish a policy which meets the requirements for electrical safety under the Landlord and Tenant Act 1985, the Housing Act 2004, the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 1994. 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 electrical installations and electrical portable appliances.
- 2.2 WLBC will also ensure compliance with electrical safety legislation is formally reported at CMT and 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. 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.
- 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 including communal parts of domestic premises.

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 Landlord and Tenant Act 1985; the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 1994. Section 8 of the Landlord and Tenant Act 1985 sets out implied terms as to fitness for human habitation and Section 11 of the Landlord and Tenant Act 1985 places repairing obligations in short leases. The Electricity at Work Regulations 1989 places duties on employers to ensure that all electrical equipment used within the workplace is safe to use. The Electrical Equipment (Safety) Regulations 1994 requires Landlords to ensure that any appliances provided as part of a tenancy are safe when first supplied.
- 3.3 **Code of Practice** – the principle codes of practice applicable to this policy are:
- 3.3.1 IET Wiring Regulations British Standard 7671: 2008 (as amended 2015)
- 3.3.2 The Code of Practice for In-Service Inspection and Testing of Electrical Equipment (ISITEE)
- 3.3.3 HSE INDG236: ‘Maintaining portable electrical equipment in offices and other low risk environments’
- 3.3.4 Electrical Safety Council: ‘Landlords’ Guide to Electrical Safety 2009’.
- 3.3.5 **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 a serious detriment judgement from the regulator Homes England.
- 3.3.6 **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 electrical safety checks, maintenance and safety related repair works.

4 Additional Legislation

- 4.1 This electrical safety policy also operates in the context of the following additional 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

- Management of Houses in Multiple Occupation (England) Regulations 2006
- Regulatory Reform (Fire Safety) Order 2005
- The Building Regulations for England and Wales (Part P)
- The Housing Act 2004
- The Occupiers' Liability Act 1984
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Provision and Use of Work Equipment Regulations 1998
- Construction, Design and Management Regulations 2015
- The Building Regulations for England and Wales 2005 (Part P)
- Data Protection Act 1998
- RIDDOR 2013

5 Obligations

- 5.1 The Landlord and Tenant Act 1985 places duties on landlords to ensure that electrical installations in rented properties are:
- Safe when a tenancy begins, Section 8 (1a)
 - Maintained in a safe condition throughout the tenancy, Section 11 (1b)
- 5.2 In order to be compliant under these duties electrical installations are required to be periodically inspected and tested. The intervals between inspections are not absolutely set within any regulations, however, best practice guidance from the Electrical Safety Council and from BS7671:2008 states that electrical installations should be tested at intervals of no longer than 5 years from the previous inspection. Any deviation from these intervals should be at the recommendation of a competent NICEIC qualified (or equivalent) person and should be backed up by sound engineering evidence to support the recommendation.
- 5.3 All electrical installations should be inspected and tested prior to the commencement of any new tenancies (void properties), mutual exchanges and transfers and a satisfactory Electrical Installation Condition Report (EICR) should be issued to the tenant prior to them moving in.
- 5.4 The Electricity at Work Regulations 1989 places duties on employers that all electrical installations and appliances within the workplace are safe and that only competent persons work on the electrical installations, systems and equipment (Section 16).

- 5.5 The Electrical Equipment (Safety) Regulations 1994 requires Landlords to ensure that any electrical appliances provided as part of a tenancy are safe when first supplied.

6 Statement of Intent

- 6.1 WLBC acknowledge and accept its legislative responsibilities with regard to electrical safety including that under the Landlord and Tenant Act 1985, the Housing Act 2004, the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 1994.
- 6.2 WLBC will hold accurate records against each property it owns or manages identifying when the electrical installation was last inspected and tested and listing all electrical portable appliances that the organisation owns held at each property together with details of Portable Appliance Tests (PATs) undertaken.
- 6.3 WLBC will ensure that all domestic properties owned or managed by the organisation have a valid EICR that is no older than 10 years from the date of the previous EICR by no later than 31st March 2018. Thereafter WLBC will deliver a comprehensive programme of testing and inspection of all domestic properties on a rolling 5-year cycle commencing on 1st April 2018.
- 6.4 WLBC will ensure that all non-domestic, public and commercial properties and offices, including communal parts of domestic premises, owned or managed by the organisation have a valid Electrical Installation Condition Report (EICR) that is no older than 5 years from the date of the previous EICR by no later 31st March 2018. Thereafter WLBC will deliver a comprehensive programme of testing and inspections of all non-domestic including communal, public and commercial properties; and offices, on a rolling 5-year cycle commencing on 1st April 2018.
- 6.5 WLBC will ensure that all electrical installations shall be in a satisfactory condition following completion of an electrical installation inspection and test.
- 6.6 WLBC will ensure that electrical installation inspection and tests are carried out prior to the commencement of any new tenancies (void properties), mutual exchanges and transfers and that a satisfactory EICR is issued to the tenant prior to them moving in.
- 6.7 WLBC will ensure that only suitably competent NICEIC electrical contractors and engineers (or equivalent) undertake electrical works for the organisation.
- 6.8 WLBC will ensure that all electrical portable appliances owned and/or provided by the organisation are tested periodically in accordance with the testing guidance set out in 'The Code of Practice for In-Service Inspection and Testing of Electrical Equipment'.
- 6.9 WLBC will carry out electrical installation inspection and tests and issue new satisfactory EICRs when completing planned component replacement works within domestic properties. In the case of a rewire WLBC will receive an installation certificate and following minor works, a minor works certificate.

- 6.10 WLBC will test and replace as necessary hard wired smoke alarms and heat detectors which are not covered as part of the annual gas safety check visit (i.e. the property does not have gas) on an annual basis.
- 6.11 WLBC will ensure that robust processes and controls are in place to manage the completion of follow up works identified during inspection and testing of electrical installations and electrical portable appliances.
- 6.12 WLBC will ensure that robust processes and controls are in place to ensure that all electrical works are properly notified and approved under Part P of the Building Regulations for England and Wales where this is required.
- 6.13 WLBC will ensure that robust processes and controls are in place to manage works to void and occupied properties that may affect existing electrical installations.
- 6.14 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.
- 6.15 WLBC will establish and maintain a plan of all continuous improvement activity undertaken with regards to electrical safety.

7 Compliance Risk Assessment/Inspection Testing Programmes

- 7.1 WLBC will establish and maintain a risk assessment for electrical safety operations. This risk assessment will set out all the organisation's key electrical 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 property (at the start of the contract and annually thereafter), component replacement and refurbishment works. This plan will detail any electrical installations that may be affected by the works and detail all necessary electrical work required to make safe and reinstate electrical installations including the requirement for inspection and testing.
- 7.3 WLBC will carry out a programme of electrical installation inspection and testing to all offices, public buildings, commercial properties and common areas of non-domestic properties where there is a landlords' electrical installation (and WLBC has the legal obligation to do so). This inspection and test will be carried out at intervals of no more than 5 years and will include the issuing of a new satisfactory Electrical Installation Condition Report (EICR). This inspection and test is driven from the anniversary date of the most recent EICR which may have been carried out following planned component replacement works.

- 7.4 WLBC will carry out a programme of electrical installation inspection and testing to all domestic properties. This inspection and test will be carried out at intervals of no more than 5 years commencing on 1st April 2018 and will include the issuing of a new satisfactory Electrical Installation Condition Report (EICR). This inspection and test is driven from the anniversary date of the most recent EICR which may have been carried out at the start of a new tenancy or following planned component replacement works.
- 7.5 WLBC will carry out a programme of portable appliance testing (PAT) to all electrical portable appliances owned and/or provided by the organisation. These appliances will be tested in accordance with the testing guidance set out in 'The Code of Practice for In-Service Inspection and Testing of Electrical Equipment'.

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 periodic inspection and test of an electrical installation or electrical portable appliance.
- 8.2 WLBC will ensure there is a robust process in place to collate and store all Electrical Installation Condition Reports (EICRs) and associated records and certification of completed remedial works.
- 8.3 WLBC will ensure there is a robust process in place to collate and store all Electrical Portable Appliance Tests (PATs) and associated records and certification of completed remedial works.
- 8.4 WLBC will as a minimum make safe and/or where possible endeavour to repair all code 1 and code 2 defects identified by a periodic electrical installation inspection and test before leaving site after completing the inspection and testing works. Any further remedial works to code 1 and 2 defects will be completed within 5 working days and an EICR will be issued stating that the installation is in a satisfactory condition. Code 3 and FI type works will be referred back to WLBC and considered for inclusion in future works programme.
- 8.5 WLBC will establish and implement programmes of electrical installation upgrading works to improve electrical installations, that have been identified as not meeting current standards but are in a satisfactory condition for the purposes of an EICR, up to a standard that meets all current requirements of BS7671.
- 8.6 WLBC will ensure there is a robust process in place to investigate and manage all RIDDOR notices issued with regard to electrical safety.

9 Record Keeping

- 9.1 WLBC will establish and maintain a core asset register of all properties that have an active electrical supply and electrical installation (Aareon QL). This register should identify electrical installations within all domestic properties and electrical installations within non-domestic (communal) properties, public buildings, commercial properties and offices.
- 9.2 WLBC will establish and maintain a register against each property asset of any electrical portable appliances owned by the organisation and the portable appliance testing (PAT) requirements.
- 9.3 WLBC will establish and maintain accurate records of all completed Electrical Installation Condition Reports (EICRs), Minor Electrical Works Certificates (MEW) and Building Regulation Part P notifications associated with remedial works from these reports and Electrical Installation Certificates and keep these for a period of not less than 10 years. These will be held against the individual property on the organisation's shared drive.
- 9.4 WLBC will establish and maintain accurate records of all completed electrical Portable Appliance Test reports and details of associated completed remedial works and keep these for a period of not less than 5 years.
- 9.5 WLBC will ensure robust processes and controls are in place to provide and maintain appropriate levels of security for all electrical safety related data.

10 Key Roles and Responsibilities

- 10.1 WLBC Cabinet will have overall governance responsibility for ensuring the electrical safety 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 electrical 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 electrical safety 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 electrical safety and ensuring compliance is achieved and maintained. The Property Services Manager and Deputy Property Services Manager will oversee the implementation of the electrical safety policy.
- 10.5 The Property Services Manager and Deputy Property Services Manager will be responsible for overseeing the delivery of the electrical installation periodic inspection and testing and electrical portable appliance testing (PAT) programmes, completion of any works arising from Electrical Installation Condition Reports (EICRs) or PAT tests or faults reported by tenants together with the maintenance of sufficient records in respect of works completed to electrical installations and portable electrical appliances.

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 legal process to gain access as necessary.

11 Competent Persons

11.1 WLBC will ensure that the manager(s) with lead responsibility for operational delivery is appropriately qualified; holding a recognised electrical safety management qualification, as per 12.3.

11.2 WLBC will ensure that the manager with lead responsibility for operational delivery maintain Approved Electrical Contractor accreditation with the National Inspection Council for Electrical Inspection Contracting (NICEIC) or equivalent for all areas of electrical inspection, testing, installation and repair 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 NICEIC Approved Electrical Contractors (or equivalently accredited) contractors are procured and appointed to undertake electrical inspection, testing, installation and repair works. 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.

11.4 WLBC will ensure that only suitably competent engineers are employed or appointed to undertake electrical portable appliance testing (PAT). The operational team with responsibility for delivery will check the relevant qualifications of persons undertaking PAT testing for the organisation to ensure that they are certified as competent to carry out PAT testing. 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 electrical safety but who may not be actively involved in the delivery of the electrical safety policy. This will be basic electrical safety awareness training and 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 electrical installation inspections and repair works to electrical installations and portable appliances as part of their daily job. The manager(s) with lead responsibility for operational delivery will hold the Level 4 VRQ in Electrical Safety Management in Social Housing and will ideally be a full member of the Association of Electrical Safety Managers. WLBC will fund training as necessary so they gain this qualification and membership.
- 12.4 Regular tool box talks (quarterly) will be given to operatives in the form of appropriate electrical safety training. WLBC will ask their contractor partners to do this and evidence this upon request.
- 12.5 Monitors briefings will be provided to those employees involved in the monitoring of compliance performance in relation to electrical 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 electrical 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. The KPI measure will be:
- The number (and percentage) of properties with a valid Electrical Installation Condition Report (EICR) 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 electrical installation condition reports and completed electrical repair and installation works as required by the electrical safety compliance risk assessment. Best practice suggests this should be a 5% sample of the total electrical safety works carried out.
- 13.4 WLBC will carry out an independent audit of electrical 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 a serious non-compliance issue 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.