

Last review: January 2009

Date: February 2011

Review Date: January 2013

CORPORATE GAS POLICY

1.0 Policy Statement

South Lakes Housing (SLH) will provide a fast, efficient and cost effective maintenance regime and servicing programme on behalf of South Lakeland District Council (SLDC) that meets the authority's legal and regulatory obligations to undertake annual gas safety inspections as required under the provisions of the Gas Safety (Installation and Use) Regulations 1998, statutory instrument 1998 No 2451.

In addition to carrying out regulatory required landlord's gas safety inspections, SLH will carry out servicing to gas appliances where the Council own or manage homes at the same time wherever possible.

The tenant is entirely responsible for the repair or renewal of appliances not owned by the Council and will be warned not to attempt to reconnect or use an appliance as notified as potentially dangerous

Any amendments, revisions and changes to legislation or regulatory requirements issued will take precedence over this policy.

2.0 Aim of policy

The aim of SLH's corporate gas policy is to encompass clear robust processes, systems and procedures to ensure that legislation is complied with and tenants' safety is safeguarded. There is a risk that failure to comply with the relevant Health and Safety legislation could result in a loss of life and/or a prosecution, which may result in significant financial penalties and also significant adverse publicity for the Council and SLH. The corporate gas policy will also ensure:

- a clear process for dealing with no access properties;
- provide clear guidance to all SLH staff & tenants;
- notification to the tenant and/or disconnect as appropriate tenants' own appliances which fail the safety check;
- that SLH staff, Board Members and contractors adhere to the principles laid down in this policy and have an individual and collective responsibility to ensure that this policy is actively applied in practice;
- that the gas service is accessible to all tenants by working closely with agencies such as; Social Services, Help the Aged etc. and

- that it will raise the profile of the programme and highlight the implications gas servicing has upon the business and the health & safety of our tenants.

3.0 Regulatory Requirement

A new gas registration scheme came into effect from 1 April 2009 in England, Scotland and Wales (Great Britain). The new scheme, Gas Safe Register is delivered under an agreement with the Health and Safety Executive (HSE).

The Health and Safety Executive (HSE) Gas Safety (Installation and Use) Regulations 1998 requires that SLDC and their agent SLH must comply with HSE Regulations which require that they must arrange maintenance by a Gas Safe Registered Engineer for all pipework, appliances and flues, which they own and have provided for their tenants use. They must also arrange for an annual gas safety check to be carried out every 12 months by a Gas Safe Registered engineer.

SLDC will ensure that the management contract between the Council and SLH clearly specifies that SLH is responsible for carrying out the maintenance and safety check duties, and keeping associated records.

As a minimum, the landlord's record of a gas safety certificate (CP12) will contain the following information:

- a description of and the location of each appliance or flue checked
- the name, registration number and signature of the individual carrying out the check
- the date on which the appliance or flue was checked
- the address of the property at which the appliance or flue is installed
- the name and address of the landlord (or his agent where appropriate)
- any defect identified and any remedial action taken
- a statement confirming that the safety check completed complies with the requirements of the Gas Safety (Installation and Use) Regulations 1998

4.0 Gas Safety Checks

As the Council's agent SLH will, on an annual basis, arrange for a gas safety check to be undertaken on all the gas boilers within the housing stock. The programming of this safety check will be undertaken at 11 months after the previous safety certificate was issued. This is to help ensure that all properties are checked within the statutory 12 months.

SLH will establish a contract with a suitably qualified (Gas Safe registered) contractor to ensure the appliances are checked and serviced annually. All gas servicing work will be subject to a minimum 5% independent quality audit on the technical aspect of the servicing and safety check in order to raise and maintain the required standard of service.

In all cases, all gas equipment (including any appliance left by a previous tenant) will be certified as safe before re-letting or otherwise removed before re-letting.

A signed record of the landlords gas safety record (CP12) will be provided to the tenant within 28 days of completing the safety check, or to each new tenant before they move in.

SLH will keep a copy of the safety check record (CP12) for two years.

5.0 Servicing Access

As well as receiving notification about the servicing/safety check visit to their house each year, tenants are kept informed generally about the Council's obligations to carry out annual gas service/safety check through a number of mechanisms;

- their tenancy agreement,
- new tenancy interview;
- home safety leaflet issued each year with first gas appointment letter
- Regular articles in the Tenants Newsletter advising of the importance of allowing access for the annual gas service/safety check.

These mechanisms will continue to be used to highlight the importance of allowing access to ensure that gas installations are maintained in a safe condition and the Council's legal obligations are met.

For the convenience of tenants, SLH will undertake a maintenance service at the same time as the gas safety check.

SLH will initially attempt to make contact with the tenant by letter and Anniversary card offering a predetermined appointment or option to rearrange. In addition to offering appointments (including out of normal office hours and Saturday mornings), tenants will be encouraged to allow access by other incentives such as being entered into a prize draw for keeping a first made appointment and this opportunity will be advertised and promoted.

If no response is received to change the appointment made, a personal visit by a Gas Safe Registered Engineer will be undertaken on the date given. If there is no access, a card will be left asking the tenant to make contact. Thereafter, two further letters will be sent to the tenant encouraging contact for an access arrangement and warning of legal action that may be taken to gain access after the expiry of the current safety certificate.

Vulnerability

Tenancy files will also be checked to ensure that in cases of vulnerability, it will be considered before taking legal action. Maintenance operatives in SLH will liaise closely with Housing management (and vice versa) to ensure that tenancy records are kept up to date and relevant customer profile information is shared. In particular tenant vulnerability will be identified at the earliest opportunity so alternative communication methods can be used to arrange access to carry out safety checks. In addition tenants with a known preferred alternative means of communication to letters (e.g. braille, large print, audio etc.) will be contacted using these methods or suitable alternative arrangements made.

6.0 Legal Action to gain access

Every effort will be made to make access arrangements with tenants before legal action is taken. If a tenant has repeatedly ignored the ALMO's efforts to arrange a gas safety check appointment, legal action to gain entry will commence. A Home visit will be carried out by SLH staff and a legal notice will be hand delivered explaining that unless access is arranged within the next 7 days, one or more of the legal routes to gain access will be started and the tenant will be recharged for all costs incurred.

Where legal action has or had to be taken to gain access a service timer limiter unit will also be fitted. The timer is designed to disable the use of the boiler if a safety check has not been undertaken by the anniversary date of the previous check. The timer is set by the Gas Engineer at the time of the safety check.

There are four possible legal routes to encouraging access to allow gas safety checks to be carried out. SLH will use any one or combination of these processes as it deems appropriate but will only gain access through forced entry without a court order where it is satisfied there is an emergency. Where legal action is necessitated all costs will be passed onto the tenant as a rechargeable debt.

The four routes to gaining access are:

1. Section 79 & 81/Schedule 3 of Environmental Protection Act (EPA)1990 which covers the issue of a warrant by a magistrate allowing forcible entry. Our preferred legal access route is the use of the Environmental Protection Act 1990 because this is the most cost effective and speedy process to gain access which allows the landlord or their agent to force entry if necessary. However to make use of this remedy, the Council's Environmental Health department must be consulted as only they can instigate the process.
2. Section 54 of the Housing Act 1985 gives the tenant notice that an injunction will be sought to require the tenant to allow access while not endangering occupancy rights; It should be noted that an injunction does not permit the landlord a right to access to service the appliances, but just to cap them off for safety reasons leaving the tenant without a supply and then only if the tenant allows access. Failure to allow access following an injunction can lead to prosecution. Where a tenant refuses to keep to the terms of the injunction SLH will always apply to the local authority under the terms of the EPA in the first instance. If this is not accepted by the authority then forced entry can be used and the tenant prosecuted for breach of the injunction.
3. In all cases where there is no access after all reasonable attempts have been exhausted and the anniversary of the last safety certificate has expired, a Notice of Intention to Seek Possession will be served by hand by a housing officer from SLH seeking possession using the provisions of the tenancy agreement. An injunction may be applied for at the same time because a suspended possession order would not in itself allow access until the property was repossessed following an eviction warrant being obtained.
4. Landlords have the legal right to gain access to their properties to undertake necessary emergency work and this is stated in SLH's tenancy

agreement; this can be done without a court order 'in an emergency'. This action is supported under clause 2.17 of the Council's Secure Tenancy Agreement which states:

"You must allow our workers or people sent by us into your home to inspect and carry out annual gas servicing – we have a legal duty to service our own gas appliances, wired in smoke alarms and carbon monoxide detectors on an annual basis. You will be sent an initial appointment letter and you must allow us reasonable access to service the appliances. If you do not let us in we will take appropriate action to gain entry to your home ... and you may have to pay the costs and / or may be prosecuted for obstruction."

"In emergencies we will need to get in immediately to prevent personal injury to you, your household, and the property and your neighbours' adjoining properties and / or households. Our workers or people sent by us may enter the property without giving notice if, in the opinion of one of our officers, such entry is necessary"

In the event that SLH suspect there may be a gas leak we have a regulatory duty to report it to the gas supplier who can force entry and make safe / cap off.

SLH and their contractors will not use forced entry unless they have first tried the EPA, Section 54 Injunctions or have other reasonable reasons to believe that there is an emergency situation requiring immediate access to make safe.

7.0 Key Targets and Performance Indicators

The gas safety check process will be subject to regular performance monitoring by both SLH and SLDC. Reports will be made to the SLH Board, SLDC and the Tenants' Committee identifying performance against targets on a quarterly basis. The annual report to tenants will also include performance information about gas safety. Performance will be closely monitored by SLH's SMT and reported monthly to ensure that these targets are achieved. SLH Key Performance Indicator targets for gas servicing are to be compliant with the Audit Commission's Housing Inspectorate's interpretation of gas servicing excellence which was:

- Properties with a current CP12 gas safety certificate - 99.50 % minimum
- Properties without a current CP12 gas safety certificate for longer than 15 months – 0%

In addition, the following performance indicators will be used:

- Percentage of gas appliances serviced on schedule
- Percentage of gas appliances accessed and serviced through first letter
- Percentage of customers satisfied with gas servicing
- Percentage of customers satisfied with gas repairs
- Percentage of satisfaction forms returned
- Percentage of external audits carried out on gas servicing properties

8.0 Strategic Links and Context

Legal Framework

- The Gas Safety (Installation and Use) Regulations 1998
- Health & Safety at Work Act 1974
- The Landlord and Tenant Act 1988

Guiding Principles

- Tenancy Agreement
- Asset Management Strategy
- Communication Strategy
- Repairs, Maintenance and Improvements Policy
- Rechargeable Repairs Policy
- Equality and Diversity Policy

9. Responsibility

It is the responsibility of the Chief Executive and senior officers to ensure that:

- staff are aware of SLH policies;
- staff are trained on the policies;
- monitoring of records is maintained;
- customers are adequately informed of the policies;
- appropriate action is taken against employees whose actions are inconsistent with this policy

It is the responsibility of the Contract Partnerships Manager to ensure that:

- all relevant staff are aware of the Corporate Gas Policy
- all relevant staff are trained on the Corporate Gas Policy and the Gas Safety (Installation and Use) Regulations 1998
- customers are aware of the Corporate Gas Policy

SLH will develop procedures to ensure effective implementation of this policy and provide training for staff to ensure they understand the wider issues surrounding legislative framework and procedures.

The Director of Asset Management will be responsible for ensuring that managers oversee or co-ordinate the process and that they formally communicate with other relevant internal sections and personnel to ensure those involved in delivery are aware of their responsibility.

The Director of Asset Management will ensure that officers involved in the implementation of this policy are suitably skilled to deliver the required procedures to any agreed timescales.

It is the responsibility of all staff to ensure that this policy is applied.

The Director of Asset Management of SLH will be responsible for ensuring that reviews of this policy are carried out whenever legislation changes and at least every two years.

10.0 **Equality and Diversity**

SLH recognises that there is a broad range of visible and non-visible differences that characterise its tenants. Some of these qualities include race, religion, culture, nationality, ethnic background, colour, disability, sex, sexual orientation, age, literacy and income level. By understanding and respecting this diversity it is able to set a policy which ensures that all tenants are able to access services provided by SLH in an equitable manner.

SLH is committed to providing information and services equally and without discrimination so that they meet the needs of all sections of the community. These include both Council tenants, leaseholders and those living nearby or seeking access to or information on housing services in the South Lakeland area. In carrying out all housing management policies, SLH's Equality and Diversity Policy will be adhered to.

