

# **MORAY HOUSING PARTNERSHIP**

## **Gas Safety Policy**

**Date Agreed: February 2011**

### **1. SCOPE OF POLICY**

- 1.1 This policy encompasses activity in relation to the statutory responsibilities involved in the delivery of MHP's Annual Service Visits (ASVs).
- 1.2 ASVs must be carried out by an approved gas contractor who is registered with the governing regulating body – GAS SAFE. ASVs are required to comply with the Gas Safety (Installation and Use) Regulations 1998 (Regulation 36). These regulations aim to prevent injury to consumers and the public from either carbon monoxide (CO) poisoning or fire and explosion.
- 1.3 "Gas Fittings" are defined for the purpose of this policy as:
  - Gas pipe work
  - Valves
  - Regulators
  - Meters
  - Fittings, apparatus and appliances designed for the use of the consumer for heating, lighting, cooking or other purposes for which gas can be used.

### **2. CONTEXT**

- 2.1 The Gas Safety Policy is set in the context of the Performance Standards for social landlords and homelessness functions document published jointly in November 2001 by Communities Scotland, COSLA and the SFHA reviewed in 2006 and adopted by the Scottish Housing Regulator in 2009.
- 2.2 Section 79 of the Housing (Scotland) Act 2001 provides Scottish Ministers with the power to set standards and the publication of the Performance Standards document forms the key reference point for Communities Scotland's Single Regulatory Framework.
- 2.3 The Standards came into effect in April 2002 and are organised into 20 Guidance Standards and 33 Activity Standards. The revised standards came into effect in April 2006.

- 2.4 The principles of this Policy take note of and reflect the Performance Standards that underpin the principles of service delivery.
- 2.5 Performance Standards are fundamental to the way social landlords and regulated services behave and conduct their business. They are not 'stand-alone' Standards. Instead, they will be assessed in terms of how well they inform all aspects of the business, and how well they are met in each of the Activity Standards relating to:
- Housing management
  - Property management
  - Property development (developing organisations only)
  - Homelessness
  - Services for owners
  - Services for Gypsy Travellers (local authorities only)
  - Wider action (RSLs only).
- 2.6 The objectives of this policy reflect the key functional areas that Communities Scotland will regulate and inspect and the Policy is, therefore, set in the context of Activity Standards, **AS2.2**

**AS2.2** *Stock Management. We follow sound stock management strategies to ensure our houses are in demand, maintained, modernised and adapted as people's needs change.*

### **3. PRINCIPLES AND OBJECTIVES**

- 3.1 The principles of this policy are:
- The Policy applies to all properties with gas supply, owned or managed by the Partnership without exception.
  - To comply with the Gas Safety (Installation and Use) Regulations 1998 (Regulation 36). These regulations aim to prevent injury to consumers and the public from either carbon monoxide (CO) poisoning or fire and explosion.
- 3.2 The objectives of this policy are:
- To undertake an annual Gas Safety Check on all MHP properties that have a Gas installation through the use of competent gas installers.
  - To maintain accurate records of Gas safety checks.

- To ensure that all records are retained on file for a period of 2 years from the date of the annual check.
- To thoroughly audit the Gas Contractor's annual programme.
- To actively promote the importance of the annual gas safety checks (ASVs) through its Newsletter, the Tenants Handbook, Tenancy Agreements and through training for tenants at sign-up on the use of the gas appliances.

#### **4. LEGAL FRAMEWORK**

- 4.1 The Moray Housing Partnership conforms to the Gas Safety (Installation and Use) Regulations 1998.
- 4.2 The Gas Safety (Installation and Use) Regulations 1998 (Regulation 36) place an important duty on all Landlords to ensure that all gas fittings, appliances and associated flues are maintained in a safe condition, that annual safety checks are carried out by a competent person and that records are kept and issued (or in certain cases displayed) to tenants. Failure to comply with the regulations is a criminal offence which could result in the prosecution of Moray Housing Partnership's Senior Staff both in the Civil and Criminal Courts by the Health and Safety Executive.

#### **5. COMPETENCE OF GAS INSTALLERS**

- 5.1 The gas engineers who work for MHP's gas contractor must be GAS SAFE registered and must hold a current relevant qualification under the Accredited Certification Scheme (ACS), listing the areas of gas work that the installer can undertake. This proof of competence must be provided to the Moray Housing Partnership and the gas contractor is responsible for updating this information for its engineers

##### **5.2 Annual Gas Safety Check**

- 5.2.1 Under the Gas Safety Regulations all appliances have to be checked, including tenant's own appliances in respect of gas soundness, ventilation and flue provisions.
- 5.2.2 Even where there is no gas appliance or gas meter, each property that has an incoming gas main will be checked to ensure that the supply is safe and that no appliance or meter has been added without MHP's knowledge.

- 5.2.3 Gas fires will be checked, switched on and a full smoke test carried out.
- 5.2.4 The tenant will be informed immediately if their own appliance is found to be defective or unsafe and they will be instructed that it is their responsibility to carry out the necessary service, repair or renewal. The appliance will be disconnected and labelled as dangerous, prior to the gas installer leaving the property.
- 5.2.5 Should the tenant refuse disconnection, the gas contractor will immediately inform both the tenant's gas supplier under Regulation 34 "Unsafe Appliances" of the 1998 Regulation and also MHP. Under no circumstances will the gas contractor service the tenant's own appliance.

### 5.3 Record Keeping

- 5.3.1 MHP's repairs staff maintain a comprehensive database for all properties with gas supplies, including details of MHP's appliances in the property.
- 5.3.2 The ASV is recorded and the Database updated when the GAS SAFE compliant service sheets are returned to MHP by the contractor.

MHP will:

- Retain the record form for two years from the date the checks were carried out.
  - Give a copy of the record to any new tenant of the relevant property before that tenant occupies the property.
- 5.3.3 After completing the gas safety check, the installer must obtain the signature of the tenant on the electronic record certificate, and provide a hard copy to them and MHP within 28 days.
- 5.3.4 In the case of void properties a copy will be made available to MHP staff who will provide the certificate to the new tenant at commencement of tenancy. An original certificate will be sent to MHP.
- 5.3.5 If, in the future, MHP obtain any properties that have communal gas installations a copy of the safety checks will be displayed in a prominent position in the communal area.

## **5.4 Tenant Installed Appliances**

- 5.4.1 All appliances which the tenant wishes to install such as cookers and fires must have a copy of the installation instructions for that particular make and model before being fitted, otherwise the appliances are illegal.
- 5.4.2 The appliance must be fitted by a qualified GAS SAFE Registered Installer.
- 5.4.3 All new tenants will be visited within one month after sign-up to ensure no illegal appliances have been fitted.

## **5.5 Non-Access to Properties**

- 5.5.1 When tenants do not co-operate to allow access to the contractor to carry out ASV gas safety checks, MHP will keep a record of its actions to demonstrate the steps taken to discharge its duties ie appointment letters sent by recorded delivery, personal visits explaining the reasons why access is required, etc.
- 5.5.2 MHP is prepared to be flexible and arrange appointments for gas installers to call outside normal working hours.
- 5.5.3 If the tenant continues to refuse access after repeated requests, MHP will cap the Gas supply externally.

Where it is not possible, to cap the supply externally, and in order to ensure compliance with statutory obligations, MHP will give notice, as stipulated in the Scottish Secure Tenancy Agreement, to force entry and carry out the ASV or cap the supply internally.

- 5.5.4 Where there is concern about the safety of gas fittings at the property, the tenant's gas supplier will be contacted to attend the premises and use their powers to gain entry.

## **6. VOID PROPERTIES**

- 6.1 Before re-letting any void property MHP will ensure that a full gas safety check has been carried out and that a certificate has been issued.
- 6.2 The original certificate must be returned to MHP and placed on the property file.

**6.3** The installer will ensure that all gas fittings and flues are safe and any unsafe equipment must either be rectified or removed before the new tenancy begins.

**6.4** A gas soundness test will also be undertaken.

### **6.5 Gas Escapes**

6.5.1 When a tenant smells gas in or near their property they will be advised by MHP staff immediately to call the gas emergency telephone number (Scotland Gas Network) to report the incident direct so that they can receive appropriate advice and safety information. However, when a member of staff has received a call from a tenant informing them that they can smell gas the member of staff will also follow up the call to Scotland Gas Network emergency number independently from the tenant to ensure the leak has been reported.

6.5.2 All tenants will be actively encouraged to notify MHP immediately if supply has been disconnected due to a gas escape so that MHP can immediately inform the gas contractor.

### **6.6 Improvement Works**

6.6.1 MHP and its contractor will have regard to the effect of alterations to the fabric and elements of the property on the gas fittings, appliances and equipment.

6.3.2 Where necessary, gas safety checks must be carried out when any part of the gas system is altered or disconnected. This includes window replacement, kitchen refurbishment and installation of a new heating system, and this is always stipulated in the works contract.

6.3.3 Where tenants apply to carry out improvements to their property, for example the erection of a porch/extension, before any permission is granted, MHP insist that provision for gas ventilation is included in the works.

### **6.7 Monitoring**

6.7.1 To ensure that MHP has adequately carried out its obligations under the gas safety regulations, an independent audit inspection will be carried out by professional indemnified auditors.

6.7.2 This comprises a combination of post inspection commissioning checks (new installations – 10%) and general field based audits (Annual Service Provision – 5%) coupled with visual inspection of repairs (10%).

- 6.7.3 Copies of all audit inspections will be held on the contract file and any issues raised will immediately be brought to the attention of the gas contractor.
- 6.7.4 MHP will also request copies of the contractor's own audit of the contract.
- 6.7.5 Tenant satisfaction survey forms will be given to all tenants together with pre-paid envelopes. Completed forms will be collated by MHP and shared with the contractor.
- 6.7.6 Any negative issues raised will be brought immediately to the attention of the gas contractor for appropriate action.
- 6.7.7 All contract meetings are minuted by MHP.
- 6.7.8 Reports to MHP Committee of Management are provided quarterly to monitor:
- progress against the 100% target for Gas Safety checks;
  - tenant satisfaction;
  - results of the audit on gas inspections against target.
- 6.7.9 This performance information will also form the basis of MHP's Annual Performance Returns as required by the Housing (Scotland) Act 2001

## **7. STAFF TRAINING**

- 7.1 Staff will be trained in the implementation of the policy and accompanying procedures.

## **8. REVIEW**

- 8.1 The Gas Safety Policy and accompanying procedures will be revised every 3 years or in the event of changes to legislation, by MHP's staff and Committee of Management, taking account of tenants' views.
- 8.2 The review will ensure that the policy takes into account changes in statutory guidance and good practice.