



GAS SAFETY AND SERVICING POLICY

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INTRODUCTION

Manningham Housing Association (MHA) is committed to maintaining the health and safety of employees, tenants and members of the public. The Association recognises the potential health risks associated with gas used for fuel in Association premises and in its tenant's homes. Potential risks associated with gas as a fuel are significant, given the risk of fire/explosion, or from carbon monoxide poisoning due to incomplete combustion arising out of poor or irregular maintenance of appliances and systems.

MHA will take all reasonable steps to ensure that appropriate management systems are in place to ensure employees and members of the public are not put at risk from the effects of gas or carbon monoxide.

The Gas Safety (Installation and Use) Regulations place important duties on landlords of all properties to ensure that gas appliances and their flues are maintained in a safe condition, annual safety checks are carried out, and records are kept and issued, or in certain cases displayed, to tenants. These duties are in addition to the more general ones that landlords have under the Health and Safety at Work Act and the Management of Health and Safety at Work Regulations.

REGULATORY AND LEGAL BACKGROUND

RSH Regulatory & Consumer Standards- Safety and Quality Standard

Section 1.3.1 of the Regulator of Social Housings Safety & Quality Standard requires

1.3.1 When acting as landlords, registered providers must take all reasonable steps to ensure the health and safety of tenants in their homes and associated communal areas.

Gas Safety (Installation and Use) Regulations 1998 and Gas Safety (Installation and Use) (Amendment) Regulations 2018

These regulations, supported by their Approved Code of Practice (ACOP), stipulate exactly how gas safety will be achieved. The fundamental requirements are:

- Installations, appliances and their flues shall be installed in such a way that they will be safe to use, and installations, appliances and their flues shall be maintained in a safe condition so as to prevent risk of injury to any person (in lawful occupation). This also applies to employers or self-employed persons in respect of places of work under their control.
- MHA will service appliances and flues in premises which are let in line with Regulation 36(a). This means that an appliance will always have the same due date (similar to a car MOT). In order to retain this MOT date, the service must be carried out within a 2-month window prior to this date. If the service is completed after the current MOT date, then the new MOT date will be the anniversary of when the gas safety check was completed and will be reported as late. All access attempts will be fully recorded. A certificate (referred to as the Landlord's Gas Safety Record (LGSR), confirming the findings must be given to the tenant or responsible occupier.
- Landlords shall ensure that the work undertaken on their behalf is done by a member or employee of the Health and Safety Executive's (HSE) "Approved Class of Persons". For the time being the approved class of person is one currently registered with the Gas Safe Register (GSR).

It is very important to note the use of the terms “shall” and “shall ensure” makes the duty absolute. It does not consider cost, technical issues, or any other considerations; it must be done. The efforts that the Association makes in this pursuit cannot absolve it from the duty, but if called to account, may (where qualified by the regulations) be used as evidence in mitigation.

Regulation 36 – Duties of Landlords

Regulation 36 places important duties on landlords of domestic property to ensure that gas appliances and flues are maintained in a safe condition, annual safety checks are carried out and records kept and issued to tenants.

Regulation 36 places 2 duties upon a landlord:

1. To maintain all gas appliances, flues and gas installations; (appliances that the tenant cannot legally remove); and
2. To undertake an annual safety check of gas appliances and flues, and produce documents to support the checks

In April 2018 the Regulation 36(a) was amended to enable landlords’ greater flexibility over when regular checks are carried out. The key points of the amendment are:

- Previously, landlords had to retain evidence of an inspection for a period of two years from the date of the inspection. The 2018 amendments require that landlords must now retain evidence of the check until there have been 'two further checks' of the appliance, unless the appliance has been removed - in which case records must continue to be kept for two years. This has the effect of requiring records to be kept for a period of three years subject to the new Regulation 36A.
- This creates an MOT style system which affords landlords the opportunity of getting an inspection undertaken at any time in the preceding two months of the inspection due date - and if this is done, the inspection is to be treated as having been undertaken on the deadline date, being the date when the previous certificate expires.
- There is a further provision that allows landlords one opportunity to inspect the gas installation up to two months after the deadline date, or the date the last certificate expired. This is not designed to provide protection to landlords who have overlooked an inspection date. Moreover, it is designed to allow landlords the opportunity "only once" to inspect the gas installation up to two months late, in order to align the dates of inspection of gas installations contained in the premises in an attempt to ease the landlord’s administration. For example, if a landlord has a block of flats, and within the block several flats have differing inspection due dates to the rest of the flats, or, where a property has more than one gas installation that requires an inspection and those dates differ. This provision will allow a landlord one opportunity to get the inspection dates aligned and make administration easier.

Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022

The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022, which come into effect from 1 October 2022, require social landlords to:

- Install smoke alarm on every storey with living accommodation.
- Install carbon monoxide alarms in any rooms used as living accommodation with a fixed combustion appliance (excluding gas cookers).
- Repair or replace faulty alarms as soon as reasonably practicable.

Health and Safety at Work etc. Act 1974

There are two sections of the Health and Safety at Work etc. Act 1974 relevant to this context:

- *Section 2 (1): "It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees."*

This is supported by specific reference to maintaining the workplace in a condition such that it is safe, and does not put employees at risk.

- *Section 3 (1) "It shall be the duty of every employer to conduct his undertaking in such a way so as to ensure, so far as is reasonably practicable, that person not in his employment who may be affected thereby, are not thereby exposed to risks to their health or safety".*

This can be interpreted to mean, the Association shall (as far as is reasonably practicable) ensure its housing stock (its business activity) does not cause harm to its tenants (non-employees).

The Management of Health and Safety at Work Regulations

In general terms:

- Assess the risk of Health and Safety of all employees and to anyone who may be affected as a result of work undertaken.
- Endeavour to provide comprehensive information, instruction, training and supervision with the aim of ensuring, so far as is reasonably practicable, the health and safety at work of every employee or person so affected.
- Risk assess all work activities.

POLICY

The purpose of this document is to demonstrate MHA's commitment to ensuring its employees, tenants and the general public, are not knowingly exposed to any risks that would affect their safety. This is with the aim of satisfying the legal duties of the current Gas Safety (Installation and Use) Regulations.

Scope

This policy applies to all properties owned and managed by MHA, but excludes shared ownership properties. Tenants of shared ownership properties are responsible for ensuring their gas appliances and installations are safe.

In respect of tenant's own appliances MHA accepts its liabilities to the flues of the properties that tenants' own appliances are connected to. A visual check of tenant's appliances, normally the gas cooker, to ensure there are no obvious defects will be carried out during the visit.

As a minimum the safety check will include, but will not be limited to, those checks detailed in the Gas Safety (Installation and Use) Regulations, Regulation 26 (9).

Gas Safety Objectives

We aim to:

- Ensure that gas fittings are maintained and are in a safe condition
- Ensure that annual safety checks are carried out on each gas appliance/installation (to ensure that the annual legal requirement for testing is met)
- Ensure that all installation, maintenance servicing and safety checks are carried out by a competent engineer, registered with a body that is Gas Safe registered

We will:

- Keep a record of every Landlord's Gas Safety Record (LGSR) for a minimum of three years
- Issue a copy of the LGSR to each existing tenant within 28 days of the safety check being undertaken. Where the gas safety check has been carried out on a communal installation the LGSR will be displayed at a prominent location in the building.
- As a minimum have a battery powered smoke alarm installed on every storey with living accommodation.
- Install carbon monoxide alarms to all properties with a gas supply, in any rooms used as living accommodation with a fixed combustion appliance – excluding gas cookers.
- Annually test, and repair or replace faulty alarms within twenty-four hours of it being reported or discovered, or as soon as is reasonably practicable.

Gas servicing programme

We will implement the MOT style gas servicing programme as detailed in regulation 36(a) described above.

The annual gas servicing programme will commence 2 months prior to the current LGSR anniversary date ensuring that all gas safety checks and servicing are completed before the deadline (MOT) date.

Early tenant notification of intention to carry out safety check

We will inform tenants of our legal duty to carry out gas servicing through our website, newsletters and written correspondence. Customers will also be able to view their 'MOT' gas safety check date on the customer portal.

Gas related articles in our communications will positively promote the need for gas safety and stress the legal obligations placed upon MHA to inform tenants of security of tenure implications for failing to provide reasonable access.

New tenants are to be provided with gas servicing information and a copy of the current LGSR as part of the 'sign up' procedure.

NO ACCESS PROCEDURE

The HSE requires MHA to ensure that all reasonable steps are taken to gain access.

However, it must be stressed that only a court can determine what “reasonable” steps are so for this reason, we will be proactive in ensuring a range of actions are employed to maximise access. These actions are as follows:-

- We will ensure comprehensive “no access” procedures are available and all staff involved in gas safety and servicing are trained on these procedures
- Notes will be maintained detailing “no access” issues and the actions MHA has taken to gain access

A summary of the no access procedure is as follows:

- **No Access – Stage 1**

MHA write to the tenant once an arranged/scheduled appointment has been missed. The letter advises that our gas contractor will make contact to book an appointment within the next 7 working days.

If there is no access at this stage, a letter or calling card will be left by the gas engineer, advising the tenant that an alternative appointment has been scheduled. A photograph of the property will be taken by the engineer. This will clearly show the door number. A letter will also be sent from MHA the next working day advising of a second appointment. The gas servicing database/housing management system will be updated to reflect the date and time of the failed visit. Consideration will also be given to vulnerable tenants (as outlined in MHA’s Safeguarding (Children & Vulnerable Adults) Policy and those who may be in full time employment or training. Evening, early morning and Saturday appointments are available and advertised to tenants in the letters sent.

- **No Access – Stage 2**

The gas engineer attempts a second visit, at the appointed date/time made after the first No Access, and if again there is no access a further photograph is taken by the engineer and another letter is sent from MHA. The Neighbourhood team is made aware so that next of kin/ alternative family members can be contacted.

- **No Access – Stage 3**

Once notified of the 3rd no access attempt, MHA will attempt all forms of contact in order to make an appointment. A third photograph is received from the engineer and the property is visited by the Neighbourhood team or Health & Safety team. A third and final No access letter is hand delivered. A sticker is also attached to the front door prompting the tenant to call the office.

Seven days after No access letter 3 has been delivered the legal proceedings will commence.

- **No Access – Legal Stage**

If the tenant fails to make an appointment within 5 working days of No Access 3 letter, then MHA will send out a Solicitors Letter. On receipt of the letter, the tenant has 5 working days to make an appointment. If there is still no response MHA will commence legal proceedings for an injunction.

QUALITY CONTROL

MHA will ensure a systematic approach to quality control (QC) that is both efficient and effective, and the results clearly demonstrated and documented. The Association will ensure it has Quality Control procedures that monitor and record the quality of domestic gas work that is carried out by all gas operatives working within Association domestic premises.

This procedure will also allow the Association to demonstrate its duty to the Health and Safety at Work Act and the Management of Health and Safety at Work Act. All work carried out on gas systems and appliances by operatives will be subjected to a formal audit on standards of workmanship to ensure the specification of the gas safety check and service is being met.

This Quality Control process will include:

- Contractors' quality control – A minimum of 50% of LGSR's to be checked by the Gas Operatives supervisor
- Internal quality control
- External, independent quality control - a minimum of 10% of LGSR's and Gas Installation checks to ensure the work has been completed correctly. These checks are currently being completed by CORGI Technical Services.

CONTRACTORS

All contractors employed by MHA are required to agree to a clear set of guidance, and this is set out via a Service Level Agreement (SLA). Section 7.2 (d) of the SLA specifically highlights guidance relating to safeguarding and vulnerable persons:

Safeguarding Guidance for contractors

MHA aims to ensure that our vulnerable tenants are protected and receive the best possible service from us and our Contractors.

All contractors have a wider duty of care to protect vulnerable individuals and we expect that duty of care to extend to our tenants. It is possible when carrying out repair work at our properties contractors become aware of a safeguarding issue, for example, this may be a young child left home alone.

- If an emergency situation arises or if there is actual or immediate risk, this should be reported directly to the Police and the Customer Services Team advised of the actions taken.
- If there is no immediate risk, but there is concern over the way that someone is living or that someone may be neglected, Contractors should contact the Customer Services Team immediately and MHA will engage with the appropriate authority.

STATEMENTS OF INTENT

MHA Board

The Board members of MHA are responsible for the effective operation of the Gas Safety and Servicing Policy across the Association as a whole. The Board understand that the proper monitoring and implementation of the Policy will contribute directly to ensuring the well-being of the staff and tenants of Manningham Housing Association. The relevant Heads of Service have been given responsibility for operational aspects of this policy.

Chief Executive of Manningham Housing Association

The Chief Executive (CEO) of MHA, is committed to the effective operation of the Gas Safety and Servicing Policy across the Association as a whole and will ensure that effective procedures are developed to implement the policy. The CEO will also ensure that adequate resources are made available to both develop and implement appropriate procedures, enabling responsibilities to be effectively delegated and key personnel trained. The CEO understands that the proper implementation of this Policy will contribute directly to ensuring the well-being of the tenants, the staff and contractors of Manningham Housing Association.

Director of Operations

The Director of Operations is responsible for ensuring the Gas safety and Servicing Policy is applied. In addition, the Director of Operations is responsible for ensuring gas management systems and procedures are in place, maintained, monitored and reviewed across the organisation. The Director is responsible for ensuring that the Policy and procedures are robust and effective and to regularly confirm that the persons currently in roles of responsibility are able to commit to the statements of intent published below.

Head of Property Services

The Head of Property Services is responsible for ensuring contracts are in place for the management of Gas Safety, and the contractors understand MHA's policy and procedures.

Head of Housing Services

The Head of Housing Services is responsible for ensuring that tenants of the Association's domestic rented accommodation adhere to the requirements of the tenancy agreement in respect of maintenance of gas systems and the ultimate provision of access to those properties for work to be undertaken.

Property Asset Manager

The Property Asset Manager is responsible for ensuring that all gas safety records are being correctly administered and measures are in place to monitor and oversee this.

Health & Safety Compliance Officer

The Health & Safety Compliance Officer is responsible for the administration of the gas servicing programme as well as ensuring all records are maintained and kept up to date.

MONITORING AND REVIEW

We will use a range of key performance indicators (KPI) to monitor and report performance against gas safety and servicing. These include metrics that follow the requirements set out in the Tenant Satisfaction Measures (TSMs), specifically TSM BS01 Gas Safety Check Measure.

We will annually report performance against the TSM's to the Regulator of Social Housing, in accordance with the definitions set out in Regulatory Guidance.

Quarterly performance reporting will also be shared with our Executive and leadership teams, as well as the Customer Experience Committee and MHA Board, via our compliance dashboard.

The Director of Operations has overall responsibility for the on-going monitoring of the policy through the work of frontline staff. The policy will be reviewed every three years or sooner following significant legislative or regulatory changes.

Policy Name	Gas Safety and Servicing Policy
Date of Customer Panel Consultation	1 July 2025
Equality Impact Assessment Completed	Yes
Date Approved by the Committee	July 2025
Next Review date	July 2028
Lead Officer	Director of Operations