



**PRIMA**  
GROUP

# Gas Safety Policy

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## Gas Safety Policy

### 1. Aim of the Policy

Prima is responsible for the maintenance and repairs to its homes and other buildings, many of which will contain gas installations and appliances. The Gas Safety (Installation and Use) Regulations 1998 (as amended) 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.

The key objective of this policy is to ensure that Prima's Board, staff, partners and tenants are clear on our legal and regulatory obligations in respect of gas servicing and how we will meet them.

The policy is relevant to all Prima employees, tenants, contractors and other persons or stakeholders who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services.

The policy meets the requirements of the key legislation and codes of practice. In addition to this, the policy provides assurance 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.

The policy relates to all Prima residential stock that has a gas supply.

### 2. Policy Statement/ Scope

Prima Group will visit all properties on an annual basis to carry out gas and/or heating safety checks, irrespective of whether the property has a gas supply or not (other than those properties not on the gas mains network).

This policy applies to the safety, maintenance and installation of any gas appliance or flue installed in Prima Group domestic premises except for:

- Appliances owned by the tenant;
- Flues/chimneys solely connected to an appliance owned by the tenant;

The duty to maintain and carry out safety checks applies to fixed as well as portable appliances, such as landlord owned LPG heaters.

Commercial boilers owned by Prima Group fall within the scope of this policy.

Tenants own appliances are not 'relevant fittings' according to Gas Safety (Installation and Use) Regulations 1998 and do not fall within the scope of Regulation 36 detailing the duties of landlords. Prima Group, however, accept a duty of care to ensure landlord owned flues are checked even if attached to a tenant owned gas fire.

Maintenance and servicing of tenant owned appliances is the responsibility of the tenant. However, if as a result of a visual inspection, the Prima Group engineer considers an appliance to be immediately dangerous or at risk, the appliance may be made safe in accordance with Gas Industry Unsafe Situations Procedure [GIUSP] or 'disconnected/isolated'. Subsequent servicing, repair and safety check of that appliance will remain the responsibility of the tenant.

Prima will:

- Ensure all gas installation works, maintenance, safety checks and Landlord Gas Safety Records (LGSR) are completed by a Gas Safe registered engineer;
- Ensure gas fittings and flues are maintained in a safe condition;
- Ensure a gas safety check is carried out on each gas appliance/flue annually and LGSR produced, taking all reasonable steps to gain access to occupied properties;
- Carry out a visual inspection of tenant`s own appliances in line with best practice;
- Cap the gas on void properties within 48 hours and carry out a turn on and test inspection upon re-let;
- Ensure a gas safety check is carried out on all mutual exchanges and transfers and new LGSR's produced;
- Instruct a third-party audit of all new installations, subject to access;
- Instruct a third party quality audit of approx. 10% of servicing visits;
- Ensure a gas safety check is carried out on each gas appliance/flue at the start of a new tenancy and LGSR produced;
- Carry out an annual inspection of all properties where the gas has been capped;
- Keep a record of each LGSR for at least two years;
- Issue a copy of the latest LGSR to existing tenants within 28 days of the check being completed, or to any new tenant before they move into the property;
- Undertake the servicing of gas appliances in accordance with ACOP and the manufacturer's instructions;
- Not use or permit the use of unsafe gas appliances;
- Keep accurate records in relation to gas safety certification and management actions;

- Display a copy of the latest safety check record in the common area of buildings where the gas appliance serves a communal heating system to multiple homes;
- Employ robust procedures for quality assurance, performance monitoring and reporting;
- Adhere to Prima's robust access procedures as highlighted in section "approach to difficult access".
- Provide and test smoke and carbon monoxide detectors in properties with a gas supply in line with the regulations set out.

### **3. Regulatory Standards**

The primary legislations covering Gas Safety are:

- The Management of Health and Safety at Work Regulations 1999.
- The Gas Safety (Installation and Use) Regulations 1998.
- Gas Safety (Management) Regulations 1996.
- The Construction (Design and Management) Regulations 2015.

### **4. Additional Legislation**

Additional Legislations that should also be considered under this policy are:

- ACoP L56 - 'Safety in the installation and use of gas systems and appliances' (5th edition 2018)
- INDG285 - 'A guide to landlords' duties: Gas Safety (Installation and Use) Regulations 1998 as amended
- Approved Code of Practice and Guidance (3rd Edition 2018)
- Health and Safety at Work Act 1974
- The Workplace (Health, Safety and Welfare) Regulations 1992
- The Building Regulations in England and Wales
- Dangerous Substances and Explosive Atmospheres Regulations 2002
- Pressure Equipment Regulations 1999
- Pressure Systems Safety Regulations 2000
- Pipelines Safety Regulations 1996
- Heat Network Regulations 2014
- 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 2018
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Homes (Fitness for Human Habitation) Act 2018

## **5. Resident Involvement and Engagement**

All customer facing policies are reviewed by Prima's Customer Board before being approved by Common Board.

Prima Group considers good communication essential in the delivery of Gas Safety and we will establish and maintain resident engagement and a programme to support tenants in their understanding of Gas Safety.

All information and literature relating to Gas Safety will be displayed on the Prima website and articles will be included in the residents newsletters and annual reports.

## **6. Risk Assessment / Inspection Programmes**

Prima Group will establish and maintain a risk assessment for gas safety management and operations. This risk assessment will set out our key gas safety risks together with appropriate mitigations.

## **7. Follow up/Remedial Work**

Prima Group will ensure that there is a robust process in place to identify and complete any follow up or remedial works in line with the current repairing timescales and processes.

## **8. Record Keeping**

Prima Group will 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 or other heating inspection and servicing requirements, where applicable, for all domestic properties, communal blocks and 'other' property assets.

Prima Group will operate a robust process to deal with all changes to stock, including new property acquisitions, new developments, disposals and stock transfers, in order to ensure that properties are not omitted from the compliance programme, and to ensure the programme remains up to date.

Prima Group will electronically hold accurate inspection dates and inspection records against each property we own or manage.

Prima Group will ensure that the Gas Safe registered engineer records the details of all appliances and other equipment which is served by the gas/heating supply in every domestic property, communal block or 'other' property.

Prima Group 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. Key Roles and Responsibilities**

Prima Group Board is ultimately responsible for the delivery of the Gas Safety Policy and will gain assurance through quarterly performance reports that will clearly show compliance status and detail any instances of non-compliance on a unit basis.

Prima Group Board delegates responsibility for the strategic delivery of the Gas Safety Policy to the Executive Management Team and the operational delivery of the policy and its annual review is the responsibility of the Group Director of Housing and Growth.

The Asset Manager is responsible for the delivery of the day to day gas servicing programme and they must be suitably qualified to carry out these duties. The housing management team will assist in the initial instances of no access cases

## **10. Competent Persons**

Prima Group will ensure that the manager with lead responsibility for operational delivery is appropriately experienced and qualified holding a recognised Safety and Management qualification.

Prima Group will ensure that only suitably competent Gas Safe approved contractors are procured and appointed to undertake gas servicing, 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.

Prima Group will ensure that only suitably competent engineers are employed or appointed to undertake gas servicing, installation and remedial works. Third party auditors will scrutinise engineers' qualifications as part of the Quality Assurance Programme.

## **11. Training**

Training will include team briefings for those employees who need to have a basic understanding and awareness of gas/heating safety but who may not be actively involved in the delivery of the gas safety policy. This will be basic gas safety awareness training.

Regular toolbox talks (quarterly) will be given to operatives in the form of appropriate gas/heating safety training. Prima's partner contractors will be

expected to do this with their operatives and evidence this to Prima on request.

Prima's health and safety officer will at regular intervals attend the contractor's toolbox talks.

## **12. Procurement and Performance Management**

Prima Group will procure external contractors to deliver gas safety checks, LGSR's, gas related repairs and installations. The award of the contract to deliver these services will be based on a thorough assessment of both cost and quality of service.

Strict competency requirements and relevant accreditations will be maintained by the contractor for the duration of the contract.

Prima Group accepts that it is the responsibility of the landlord to maintain effective controls and to ensure all landlord legal obligations are met in relation to gas safety. These legal obligations cannot be delegated.

Delivery of the annual gas safety check programme, and access performance, will be closely managed via Key Performance Indicators (KPI's) namely:

- Percentage of properties with a current LGSR
- Percentage of properties with Gas Safety check completed within target date.

Operational KPI performance will be reported to and monitored by Prima Group Executive Management Team.

The risk of 'failure to appropriately manage gas safety' will be included on the Prima Group Risk Register and kept under regular review.

Board assurance will be provided via Quarterly Asset Compliance reports to Common Board and regular performance reporting to Customer Board.

Gas Safety Compliance will also be included on the internal audit plan every second year to test compliance with regulation, legislation and approved codes of practice.

## **13. Quality Assurance**

Quality assurance of the contractors' technical performance will be undertaken by an externally appointed specialist consultant with monthly reports provided to Prima Group. The external consultant will carry out a physical audit of a 10% sample of annual LGSR's and 100% of all new installations, subject to access.



Prima will carry out an independent audit of gas/heating safety at least once every two years. This audit will specifically test for compliance with the regulation, legislation and approved codes of practice and identify any non-compliance issues for correction.

#### **14. Approach to Difficult Access**

The tenancy agreement between landlord and tenant allows for access to a property so that the landlord can undertake annual gas safety checks.

Prima Group operates a robust process to gain access should any tenant refuse access to carry out essential Gas Safety related inspection and remediation works.

Prima Group will use the legal remedies available within the terms of the tenancy agreement, lease or license should any tenant refuse access to carry out essential gas safety checks, maintenance and safety related repair works.

Prima Group will request access to a property to undertake the annual gas safety check no later than 10 weeks prior to the expiry of the current gas safety certificate. A minimum of two further written requests to gain access must be issued to the tenant before legal action is considered.

Prima Group will support tenants where vulnerability issues are known or identified and work with relevant partners to assist us in gaining access. However, we must maintain a robust process to gain access to properties where tenant vulnerability issues are known or identified, ensuring we can gain timely access to any property in order to be compliant with this policy and safeguard the wellbeing of the tenant.

In all instances, prior to the expiry of the current gas safety certificate, Prima Group Executive Management Team must be satisfied that all reasonable steps have been taken to gain access to the property to complete the necessary gas safety check and LGSR certification.

Failure to take all reasonable steps prior to the expiry of a current gas safety certificate will be reported to board.

A documented 'access procedure' and template letters will be produced and approved by the Executive Management Team. These documents will be kept under regular review to ensure best practice is adopted and flexibility is provided to staff in exhausting all legal avenues available to them to gain access to the property.

Tenants who refuse to allow access for gas safety checks will not only be breaching their tenancy agreement but also causing Prima Group to be in

breach of their legal and statutory obligations. By refusing access the tenant will also be putting their own household, along with their neighbours' households, at significant risk of harm.

If there is a failure to allow access for a gas safety appointment, relevant gas servicing, safety checks and LGSR certification Prima Group will have no choice but to seek assistance through the courts, by obtaining an injunction for access. If this action becomes necessary, then Prima Group will be entitled to seek to recover their legal costs from the tenant.

An access injunction order obtained in relation to access to the property will contain a penal notice. This means that if the tenant does not allow access as ordered they will be held in contempt of court and may be sent to prison.

Prima Group can also apply to the court for permission to force entry into a property where access has not been granted. If a tenant repeatedly refuses access for gas safety checks, Prima Group may ask the court to grant a 'lifetime injunction' which would last for the duration of the tenancy.

## **15. Non-compliance/ Escalation**

Any non-compliance issue identified at an operational level will be formally reported to the Group Director of Housing and Growth in the first instance. The Group Director of Housing and Growth 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 Executive Management Team. The Executive Management Team will ensure that the Audit & Assurance Committee and the Common Board are made aware of any non-compliance issue, so they can consider the implications and take action as appropriate.

In cases of a serious non-compliance issue, the Executive Management Team and Board 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.

## **16. GDPR**

The General Data Protection Regulation (GDPR) requires employers to comply with principles for processing personal data, including protecting against unauthorised access of personal data. Personal data that is inappropriately accessed or disclosed may constitute a data breach. The GDPR requires organisations to keep a record of all data breaches and, where the breach is likely to result in a risk to the rights and freedoms of individuals, the organisation must notify the Information Commissioner within 72 hours of becoming aware of the breach. If the data breach results in a high risk to the rights and freedoms of individuals, those individuals must be notified without undue delay.

## Document Control Data

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