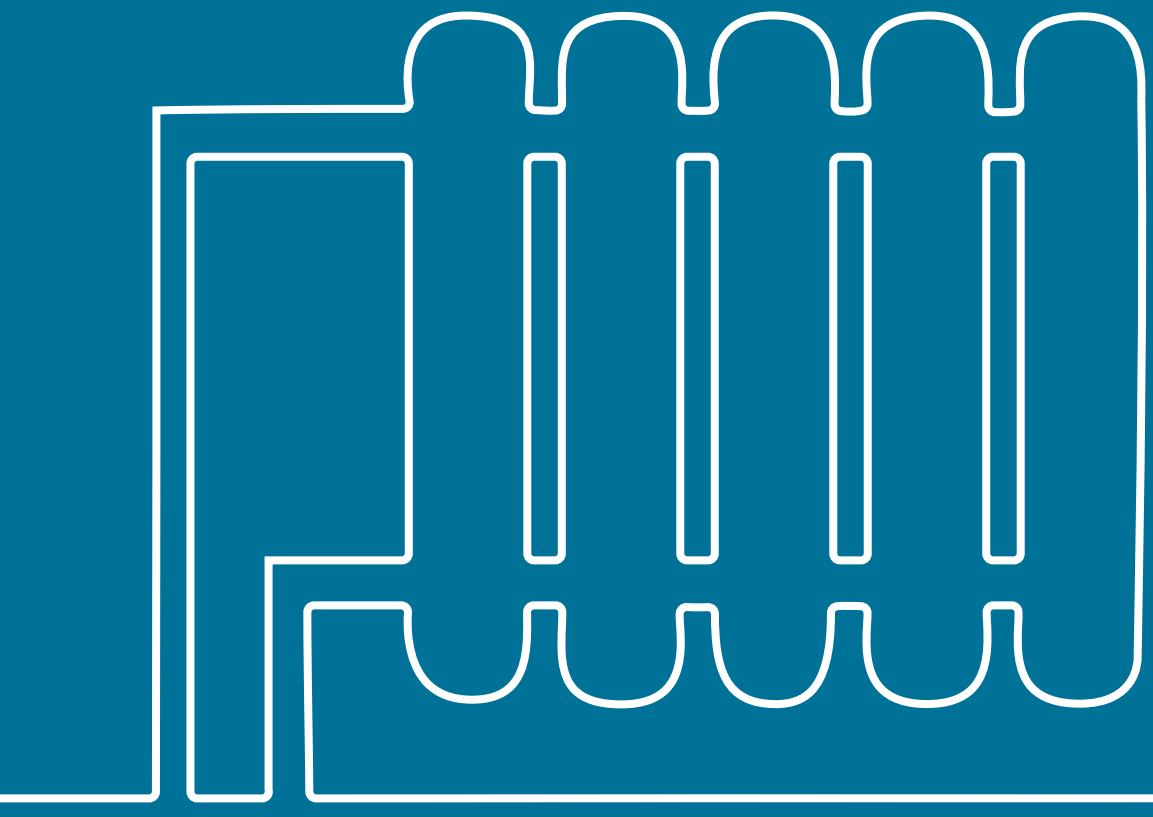
DARLINGTON
Borough Council

Housing Services

Domestic Gas and Heating Safety Policy



Tenants Panel Approved

Contents

Purpose 3

Definitions 3

Responsibilities 4

Legal Framework / Relevant Legislation 8

Key Principles 8

Policy Statement 13

References 13

Links to other internal policies and procedures 14

Name of Policy	**Housing Services Domestic Gas and Heating Safety Policy**
Version Number	**1.0**
Author	**Housing Asset and Compliance Manager**
Date Approved by Tenants Panel	**May 2024**
Date approved by Scrutiny Committee	**19 June 2024**
Date approved by Cabinet	**16 July 2024**
Original issue date	**August 2024**
Next Review date	**2029/2030**

Purpose

This Policy applies to all Housing Domestic properties, where we have a responsibility for gas safety, and any heating appliance that could produce carbon monoxide, such as solid fuel fires. This policy covers individual homes and communal areas, where such installations are present. This policy also incorporates items such as boilers, fires, flues (concealed and exposed), chimneys and associated pipework.

The majority of our properties are heated by gas or have a gas installation. We only have a small number of properties with a solid fuel fires. We also have properties installed with Air Source Heat Pumps (ASHP) and unvented cylinders.

The purpose of this document is to describe how Housing Services meets its requirements for undertaking landlord gas safety checks, as set out by the Gas Safety (Installation and Use) Regulations 1998 and document G3 Regulations. 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. All landlords have a legal responsibility to comply with these regulations, which are enforced by the Health and Safety Executive (HSE).

Definitions

- This Policy relates to Darlington Borough Council Housing Services.
- Heating Appliance: For this document a heating appliance is any piece of equipment that can heat air or water.
- HSE – Health and Safety Executive

Responsibilities

We 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 duties of management, staff and personnel of Housing Services will be clearly communicated and agreed by all parties, to ensure that all persons can undertake their duties, as stated in this Policy. Communications and feedback detailing agreed responsibilities will be kept and monitored, and this will trigger further training or assistance, as deemed necessary.

Commercial Elements

The Housing portfolio contains commercial items, which are subject to the same Gas Safe and HSE Regulations. However, staff are required to have the relevant qualifications such as, COCN1 ICPN:1, CORT:1, CIGA:1, CDGA:1, TPCP:1, to work on commercial gas appliances.

These include, but are not limited to, gas items within the communal areas of:

- Sheltered Schemes.
- Extra Care Schemes.
- Good Neighbour Schemes, such as community centres.

This also includes commercial boiler systems, which provide heat to the individual flats within some schemes, namely:

- Oban Court
- Rockwell House
- Ted Fletcher Court
- Linden Court
- Dinsdale Court
- Windsor Court
- Rosemary Court.

These works are managed by our internal Corporate Landlord Service, so do not fall under the Duty Holder requirements within this domestic gas policy, as this will be covered under “Commercial Duty Holder” requirements.

The requirement will be on the commercial duty holder to ensure they meet and comply with statutory requirements, including the regulations set out within this policy.

The “Responsible Person” elements, however, do still apply in relation to ensuring completion and compliance.

Chief Executive Officer

The Chief Executive Officer has overall responsibility for this Policy and ensuring compliance.

Group Director

The hierarchy of the organisation sets out that the responsibility for the ‘responsible person’, is carried through the Chief Executive Officer and Directors, and on to other managers, who have responsibilities for overall statutory compliance or general building management activities. They will also be responsible for ensuring that adequate physical and financial resources are made available, to enable the objectives of this Policy to be met. It is important that each ‘responsible person’ is aware of their accountability and fulfils their role in a safe and competent manner.

Assistant Director of Housing and Revenues

Gas safety is the responsibility of the appropriate Assistant Director within areas under their management control. This will involve:

- Understanding relevant gas legislation and guidance, including delegating appropriate responsibilities to relevant managers to Duty Holders and delegated Client Responsible Person.
- Ensuring the allocation of resources (financial and staff) to implement the Gas and Heating Safety Policy.

Housing Buildings Manager

The Housing Buildings Manager is the person with operational oversight realigning to the management of the policy and will take the lead in managing day to day activity relating to the policy. They will also plan and allocate resources accordingly for normal management activity. The Housing Buildings Manager will be supported by various qualified staff in undertaking relevant duties but will generally be viewed as the Duty Holder (registration pending). They will ensure that the process is compliant with current legislation, arrange and manage annual reviews or special reviews following any circumstances outlined in the appropriate section below.

Gas Manager

The Gas Manager will take day to day responsibility for:

- Implementing the requirements and actions of this Policy.
- Managing operational compliance of any specialist contractors and the works undertaken.
- Validating data and records and ensuring information is updated in a timely manner to report on overall compliance.
- Planning and managing the delivery of programmes of inspections, remedial actions and planned investment works to ensure compliance and improve tenant safety.
- Maintaining a competency matrix, to ensure that only those with the appropriate level of training are asked to undertake roles where specific training is required and ensure that training is delivered and is up to date.
- Providing information and advice on all relevant aspects of safety, to be shared with tenants regarding safe use of equipment.
- Service monitoring and quality audits, to ensure standards are maintained across the different geographical areas, individual operatives, and appliance types.
- They will be supported by various qualified staff in undertaking relevant duties but will generally be viewed as the Manager.

Housing Asset and Compliance Manager

The Housing Asset and Compliance Manager is responsible for the operational implementation, delivery of and compliance with this Policy, staff awareness, training, and communication to tenants (generally referred to as the Client 'Responsible Person'). They will also ensure arrangements for the delivery of gas safety awareness training for all appropriate staff and implementing a competency matrix, to ensure that only those with the appropriate level of training are asked to undertake roles where specific training is required.

Employees

All Employees, irrespective of their position shall:

- Take responsible care for their work, health and safety and that of other persons who may be adversely affected by gas and heating appliance work, including members of the public, tenants, visitors and contractors.
- Co-operate as appropriate with other staff agencies to ensure compliance with this policy and all other legal requirements.
- Halt works that, in their opinion, may present a serious risk to health and safety.
- Report any concerns that they may have in relation to the management of gas appliance safety.
- Raise any issues immediately that endanger health or safety.
- Report all accidents, incidents and near misses to Line Managers and the Health and Safety team as quickly as possible after the event, to ensure that an investigation is undertaken.
- Undertake any training or qualifications relevant to their roles, or as requested by their manager.

Contractor's Responsibilities

We require contractors to abide by relevant legislation, technical guidance and keep up to date with any amendments. They are also required to comply with the Contractor Code of Conduct and the requirements of this document, when undertaking gas installation works.

We have a responsibility to identify on the Landlord Gas Safety Certificate (LGSR) any defect on tenant-owned appliances and advise the tenant of any remedial actions required. We will service and maintain gas fires which are served by a flue, owned by Housing Services. Any repairs that need to be carried out or the removal of the appliance due to its state of disrepair, will be recharged to tenants. Safety checks to tenant's own gas fires will be carried out in accordance with the Gas (Installation and Use) Regulations 1998 ACoP 36(2) guidance note 299.

Work will be undertaken in accordance with the specific requirements set out in the Service Level Agreement or contract. Every opportunity will be taken to involve interested tenants in developing this service.

A landlord gas safety record will be completed in the following situations:

- Where any repair or maintenance is carried out on a gas appliance, gas installations or any gas pipework or flue.
- Where any repair or building work to a chimney or flue that could cause a blockage is undertaken; this may extend to certain roofing repairs.
- Where cavity wall insulation, double glazing, or installation of mechanical ventilation, including an extractor fan, may cause a detrimental effect to the ventilation of an open-flue gas appliance.

The Gas Manager will be informed via Warning Notice when they cap off gas, no matter what the reason.

Installers will notify the Gas Manager, who will notify the "Gas Safe Register" for gas contractors' registration, of any new installation or exchange of a gas appliance, who in turn will notify Building Control within 30 days, as appropriate.

A specific Code of Conduct, Ethical Standard and range of sustainability and social value initiatives will be developed and included in the relevant contract documentation.

We will aim to remove all solid fuel appliances, where it is appropriate. Where a solid fuel appliance will remain in place, Safety certification will be issued following the service and repair of any solid fuel appliance or appliance serviced capable of creating carbon monoxide.

We will report to HSE any reportable incidents under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) by providing details of any gas appliance or fitting we consider to be dangerous anywhere where people could die, lose consciousness or require hospital treatment. The danger could be due to design, construction, installation modification or incorrect servicing of that appliance or fitting, that could result in;

- an accidental leakage of gas,
- incomplete combustion of gas, or inadequate removal of products of the combustion of gas.

Fittings that are dangerous solely due to lack of maintenance are not reportable.

The Tenant's Responsibilities

Under the terms of their Tenancy Agreement, tenants are required to:

- Allow access to their property for maintenance and/or safety checks to be carried out.
- Immediately report any concerns with gas appliances, flues or installation pipework, turning off gas supplies and appliances in hazardous situations and keeping them turned off until checks have been carried out by a competent person.
- Regularly test their carbon monoxide alarms and reporting any problem.
- Not undertake, arrange, or allow work on gas installations in their properties, without consent from Housing Services. When Housing Services consent is given, all work must be carried out by engineers registered with "Gas Safe."
- Find out their obligations and maintain their appliance in a safe order and good state of repair.
- Operate appliances safely and in accordance with manufacturers' instructions.
- Not to use any carbon monoxide producing equipment within their home, such as indoor barbeques etc.

Where tenants carry out property alterations and improvements, including installing appliances, gas installations or works that may affect the safety of gas installations, appliances, or pipework, authorisation must be sought prior to any works being undertaken. If works are approved, it will be done so on the basis that tenants are informed and are then held responsible for ensuring appropriate safety checks are carried out.

Tenants must supply all relevant certification on completion of the authorised works, as set out in the Tenancy Agreement.

A decision will be made regarding the future maintenance and servicing of any tenant's own installed appliance. If the installation is approved, in most cases it will be maintained and replaced by Housing Services.

No permission will be granted for the opening of fire places in our homes or for the installation of solid fuel heating appliances, including log burners.

Leaseholders and shared owners

Typically, these groups do not fall directly under our responsibility for undertaking annual gas safety checks, as the responsibility for these remain with the leaseholder/shared owner. All new leases issued, require that the leaseholder obtain an annual gas safety check and supply Housing Services with a copy of the gas safety record. The importance of this will be communicated regularly and the leaseholder will be offered the opportunity to buy in to our services provided.

Legal Framework / Relevant Legislation

We will comply with our statutory requirements in respect of gas safety, which extend to, but is not limited by:

- Landlord and Tenant Act 1985
- Housing Act 2004
- Management of Health & Safety at Work Regulations 1999
- Workplace (Health, Safety & Welfare) Regulations 1992 (as amended)
- Gas Safety (Installation and Use) Regulations 1998
- Gas Safety (Management) Regulations 1994
- The Construction (Design and Management) Regulations 2015
- Building Regulations where relevant
- Right to Repair Scheme (introduced 1994)
- The Gas Safety (Rights of Entry) Regulations 1996
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)

We will require our staff and contractors to abide by all relevant legislation and technical guidance and keep up to date with any amendments.

We will ensure that any individual undertaking works to a gas supply or appliance, must be registered through the 'Gas Safe Register'. Annual checks will be undertaken, to ensure that all engineers have the appropriate accreditation to work on appliances, in line with the Approved Code of Practice (ACOP) training standards. These checks will also be undertaken if new engineers are appointed.

Key Principles

General

We have responsibilities and obligations as set out below. We will:

- Ensure annual landlord gas safety checks are carried out in line with regulation 36(a) by a Gas Safe registered contractor to maintain its anniversary deadline date.
- Ensure that only contractors/engineers with the relevant qualifications (Gas Safe Registered/ HETAS etc.) can work on our gas, oil and solid fuel installations and appliances.
- Ensure where a chimney or flue is serving a heating appliance that could produce carbon monoxide (such as solid fuel or oil fuelled fires) within a property (no matter who is the owner of the appliance), the chimney/flue is 'fit for purpose'.
- Ensure a Landlord Gas Safety Record is carried out at a minimum for each change of tenancy and a copy of the appropriate certification is issued to the incoming tenant, prior to occupation.
- Ensure that any gas appliance, pipework or flue is repaired and maintained to approved standards.
- Ensure all properties are installed with a working carbon monoxide alarm in any room with a fuel burning appliance, and that this is tested as part of the annual gas safety check.
- Procure and manage contractors appropriately.
- Keep detailed computerised information (for at least two years) of all Landlord Gas Safety

checks, servicing and/or other regulatory compliance certificates and monitor performance, to ensure that we maintain 100% compliance.

- Regularly publicise the risks associated with gas installations and appliances to tenants.
- Reconcile our records on a quarterly basis.
- Issue tenants with a copy of the Landlord Gas Safety checks, servicing and/or other regulatory compliance certificates, within 28 days of it being completed.
- Post a copy of the Landlord Gas Safety checks, servicing and/or other regulatory compliance certificates on a communal noticeboard in a prominent position, at sites where checks relate to communal systems. Include details on how to obtain individual copies if required.
- Provide a copy of the current Landlord Gas Safety checks, servicing and/or other regulatory compliance certificates to new tenants or exchanging tenants.
- Ensure appropriate and regular gas safety awareness training is provided to all relevant staff.
- Employ suitably qualified and competent staff to manage contracts and oversee the works.
- Encourage staff to be alert to the danger signs from gas appliances, as part of their routine duties and visits, and have a clear process for reporting concerns.
- Make provision for a third-party audit process that will provide reports on the performance and carry out sample checks of the quality of on-site work undertaken by operatives and representatives.

Repairs and faults

To control the hazards associated with gas, the gas appliances and installations, we will ensure that we always leave gas appliances and installations in a safe working order and that there is an in-date certification for all relevant properties. Any repair, defect or fault found as part of the gas safety check will be dealt with according to its respective priority. The process for rectifying repairs includes:

- Scheduling repairs according to appropriate timescales and informing tenants of the anticipated date for completion.
- Repairing or making good issues at the time of the landlord gas safety check, where this is appropriate to do so.
- Recording any actions/non-conformities and informing the responsible person.

Any gas appliance that fails a landlord gas safety check and cannot be repaired will be disconnected from the gas supply and replaced in accordance with our replacement timescales.

In the event of a heating appliance needing to be disconnected and resulting in a loss of heating and hot water for the tenant, we will provide alternative temporary heating as a priority.

Repairs and replacements will be carried out in accordance with the timescales set out in our repairs and maintenance policy, including guidelines and manufacturers' recommended instructions, and any relevant legislation such as the Right to Repair Scheme.

All gas boilers will be replaced in accordance with our current investment priorities; we will plan the renewal of gas boilers in line with our Asset Management Strategy renewal cycle. We will consider value for money when deciding to replace or repair appliances and specifying new heating appliances and materials.

We will attend to all faults and repairs according to our stated repairs priorities. We will operate a comprehensive 'out of hours' service to provide emergency repairs 365 days each year.

Lettings and mutual exchange properties

In all cases, properties with a gas installation will be inspected and valid certification issued to the incoming tenant. No property will be let without a valid Landlord Gas Safety check, servicing and/or other regulatory compliance certificates being available.

As properties become void, arrangements will be made to disconnect the gas supply on the outlet side of the meter by either inserting an isolating disc or capping-off the pipework. In addition, any pipework fitted with a bayonet fitting, (a cooker outlet), will be capped or plugged off.

Where there is a change in tenancy through a mutual exchange, we will ensure the landlord gas safety check is carried out on the day that the new tenant moves in.

Access for safety checks and repairs

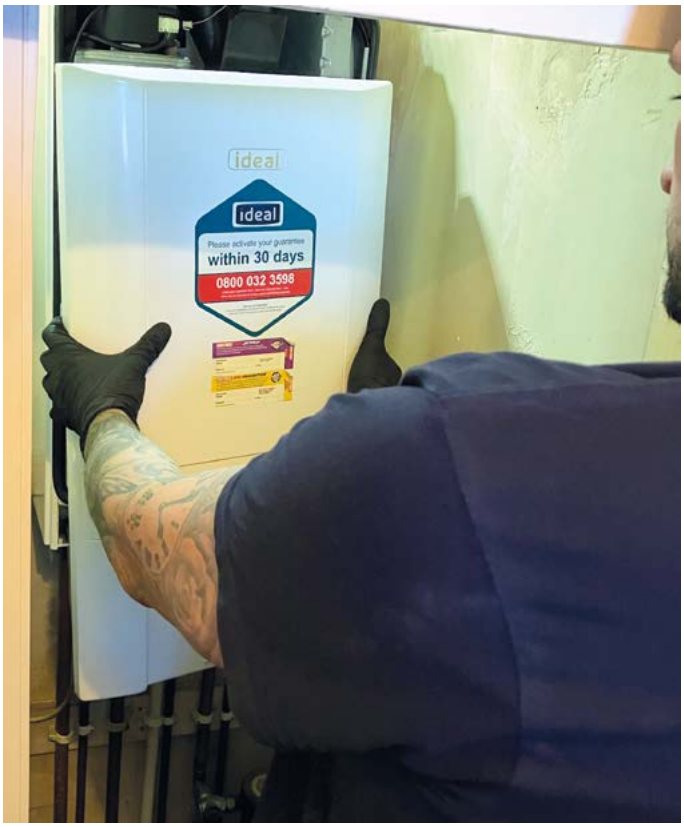
We will make every effort to arrange a convenient time and date with the tenant for access to complete the works. Appointments will be made, and written notice provided, in accordance with our Access to Homes procedure. In cases where access is denied after re-arranged appointments and following written notifications of potential legal action, we will seek an injunction to gain access. This will be in line with our Tenancy Management Policy.

It is a condition of the Tenancy Agreement that tenants must provide access for a landlord gas safety check. Specific details are set out in the Tenancy Agreement.

Where we need to seek legal intervention to gain access to properties, our preferred first option is the use of court injunctions.

We recognise that in certain cases there may be underlying issues that contribute to access problems, which may relate to a support need, language, or specific tenancy management problem. In these circumstances, we will try to overcome or resolve the cause of the problem and be sensitive to the issue, before pursuing legal action.

The Access to Homes procedure allows opportunities to consider these issues at each relevant stage of the legal process.



Should it not be possible to undertake an annual gas safety check on an appliance that is overdue for its annual service and no gas is available, for instance this could be due to a tenant being in arrears on their gas account, we will cap-off the gas supply to prevent the use of any appliance until the cap is removed. In addition, a safety check/warning notice certificate will be issued stating that the meter is capped. The tenant will be informed to contact us once the debt has been cleared. A warning sticker will be affixed to the appliance and meter, providing a contact telephone number and a record will be kept of any capped services. Where a tenant requires the gas reconnected, providing there is sufficient credit on the meter/account, the tenant can request for the gas supply to be uncapped and an appropriate Landlord Gas Safety check, servicing and/or other regulatory compliance certificate will be issued. We will immediately advise the Client Responsible Person by way of a 'Turn off notification' which will be held in place until the supplies are reinstated.

In the event that fuel poverty is a demonstrable contributory factor to the arrears on the gas account, we will consider the gifting of temporary electric heaters, so that tenants can heat areas of the home and live as comfortably as possible through the period of financial hardship. We will make a referral to our Tenancy Sustainment team who can give advice and support, as well as signpost to other relevant agencies.

In instances where a live gas supply is present, but where no gas meter is installed (where the meter has been removed and the gas supply capped), a visual check will be undertaken annually of any live gas pipework and a safety check/warning notice certificate will be issued. Any heating appliance fitted will be capped to prevent its use, should a gas meter be subsequently installed without notifying Housing Services. A warning notice will be affixed to all appliances informing tenants of the need to contact us prior to any reconnection of a meter.

Where any repair or maintenance is carried out to a gas appliance, gas installation, gas pipework or flue, an appropriate Gas Safe document/certificate will be recorded on the Housing ICT systems.

In addition to the requirements listed above, and where relevant, Landlord Gas Safety checks, servicing and/or other regulatory compliance certificates may be completed in the following situations:

- Where any repair or building work to a chimney or flue that could cause a blockage is undertaken; this may extend to certain roofing repairs.
- Where cavity wall insulation, double glazing, or installation of mechanical ventilation, including an extractor fan, may cause a detrimental effect to the ventilation of an open-flue gas appliance.

We will notify the 'Gas Safe Register' for gas contractors' registration of any new installation or exchange of a gas appliance. They will in turn notify Building Control, where appropriate.

We will take every opportunity to involve interested tenants in developing this service.

Temporary accommodation

These properties will receive an annual gas safety check with maintenance and repair carried out, as appropriate, and in accordance with standing agreements.

Auditing and review

Quality of work may be assessed in all, or a combination of, the following ways:

- Assessment of a percentage of works by a suitably experienced and qualified officer.
- Assessment by a nominated consultant and/or technology.
- Self-assessment and quality assurance.
- Tenant feedback and satisfaction survey.

Internal auditing arrangements will be required, which include the Gas Manager reviewing all Gas documentation and checking all procedures have been followed.

Documentation

An electronic property database records the heating type present in each property and details dates of previous landlord gas safety records. This database is the definitive information source for annual gas safety checks. This database will be maintained to keep up to date with property changes and new appliance details. Regular reports generated will identify:

- The total number of properties on contract.
- The property addresses with a current valid landlord's gas safety record, which is in date.
- The percentage of properties with a compliant landlord gas safety record.
- The status of each property with the "Access to Homes" procedure, where Landlord Gas Safety checks, servicing and/or other regulatory compliance certificates have expired.

Policy Statement

We are committed to ensuring the safety of our tenants, staff, our partners and the wider community who may be affected by the installation of gas appliances, associated flues and pipework in properties that we own or have a responsibility for managing.

There are risks associated with gas installations and appliances through leaks of natural gas, which is highly flammable and explosive and carbon monoxide, which is toxic and potentially fatal if build-ups occur. This can occur through an appliance burning fossil fuel etc.

The requirements for undertaking the Landlord Gas Safety Record are defined by the current version of the Gas Safety (Installation and Use) Regulations 1998. All landlords have a legal responsibility to comply with these regulations, which are enforced by the Health and Safety Executive (HSE).

We will ensure we remain Gas Safe Registered in accordance with the requirements of this policy. This will allow for servicing and associated installation works and will cover all aspects of gas repair, including safety inspections. This contract will also extend to all other homes with appliances, with the potential to produce carbon monoxide.

References

The key documents and references are listed in the legal framework section of this document.

Links to other internal policies and procedures

This Policy should be read in conjunction with our Electrical Safety policy, which will cover safety in connection with Air Source Heat Pumps and electrically powered boilers and other heating systems.

This Policy should be read in conjunction with our Health and Safety Policy, which will cover the process for recording, reporting, investigating and analysing accidents, incidents and cases of ill health in relation to gas safety.

Other related documents include:

- Housing Services Repairs and Maintenance Policy
- Housing Management Policy 2022-2026
- Repairs handbook
- Housing Services Damp Mould and Condensation Policy
- Leaseholders Booklet
- Fire Safety Policy for Sheltered and Extra Care Accommodation
- Housing Services Tenancy agreement
- Housing Services Void Lettable Standards
- Housing Comments, compliments and complaints procedure
- Customer Engagement Strategy
- Fire and Fire Door Safety
- Housing Services Climate Strategy 2024-2029
- Housing Services Asset Management Strategy
- Housing Service Standards:
  - Housing Services Information Standards 2024
  - Housing Services Safety & Quality Service Standards 2024
  - Housing Services Your Neighbourhood & Community Service Standards 2024
  - Housing Services Rent Account Service Standards 2024
  - Housing Services Tenant Involvement Service Standards 2024
- “Access to Homes” Procedure
- Carbon Monoxide alarm England regulations 2022 and Carbon Monoxide Alarm Procedure

Housing Services contact details

01325 405333

housing@darlington.gov.uk

www.darlington.gov.uk/housing

darlingtonbc

facebook.com/DBCHousing

DARLINGTON
Borough Council