

Gas Safety Policy

Our mission is to enhance the Life Chances of residents and service users through providing great homes, first class services and working in partnership to build sustainable communities.

1 Scope

- 1.1 This policy applies to Circle and all Group partners.
- 1.2 Not all Circle properties are heated with gas. Properties not covered by the gas contract will have their heating systems maintained through local cyclical and planned maintenance programmes.
- 1.3 Installations in individual properties as well as in communal areas are covered. Where there is a communal installation there may also be gas appliances in the units served by the communal installation.
- 1.4 Staff Health and Safety is covered by the Group Health and Safety policy, and the Customers Who Pose a Risk policy. Circle Housing Group offices are covered in the Health and Safety policy.
- 1.5 Circle is committed to ensuring the safety of its residents, staff and any others who may be affected by gas appliances installed in properties that it owns.

2 Policy

- 2.1 Circle will comply with its duties for repairs and maintenance as set out in the Landlord and Tenant Act 1985 and the Housing Acts 1985 and 1988. In addition, we will comply with all the legislation in [Appendix Two](#).
- 2.2 We will also require our contractors to abide by relevant legislation and technical guidance. The provider of the registration scheme for contractors is the Capita Gas Safe Register.
- 2.3 Circle also understands the risks associated with poorly serviced oil and solid fuel appliances. Therefore all oil and solid fuel appliances will be covered by a service and maintenance contract and will be serviced on an annual basis in line with gas safety.
- 2.4 The Group will manage compliance and keep accurate records which are stored and



updated using the Group wide database.

- 2.5 All Registered Providers (RPs) will carry out their responsibilities and obligations as landlords. This will be achieved by:
- Ensuring that annual gas safety checks are carried out every 12 months by a registered engineer and will include taking appropriate action to gain access where necessary. A guide for gaining access is provided in [Appendix One](#).
 - Ensuring that our gas appliances, pipe work and flues are repaired and maintained to approved standards (see Repairs and Maintenance)
 - Procuring and managing contractors appropriately, ensuring that they are qualified and registered to do the work required of them (see Contractor Management and Procurement policies)
 - Keeping detailed records including keeping a record of the gas safety check for 2 years and monitoring compliance
 - All Group partners are responsible to regularly publicise to residents the risks associated with gas appliances, our action to mitigate them, and their responsibilities. This includes highlighting any known safety concerns with appliance installations where appropriate to do so.

3 Different Types of Tenancy

- 3.1 As well as general needs and supported housing residents, Circle also has leasehold, intermediate and market rent housing, temporary accommodation and shared ownership properties. The following statements set out the responsibilities for each of these categories:

- **Leaseholders and shared owners** do not fall under the responsibility of Circle or its partners for gas safety. Circle will however remind shared owners and leaseholders annually of the importance of carrying out a gas safety check. For checks we carry out in communal areas Leaseholders will be recharged.
- **Intermediate housing and market rent** properties will be treated in same way as general needs and sheltered housing properties, this will include carrying out an annual safety check and ensuring all maintenance is carried out. This also applies to temporary accommodation that is owned by the Group.
- **Temporary accommodation** which is procured from private landlords remains the responsibility of Circle. We will work with landlords to ensure an annual gas check is carried out. Where they do not we will arrange for it to happen by the anniversary date and recharge them.

Circle Living is responsible for managing some of these properties across the Group. They will fulfil their legal obligations and have a separate procedure detailing how they will achieve their responsibilities.

- 3.2 Individual contracts with managing agents should specify arrangements for meeting gas safety commitments, and should be created in consultation with those responsible for gas safety within the RP. Overall responsibility however remains with the landlord.

4 Safety Checks

- 4.1 Carrying out regular safety checks is fundamentally important to our overall commitment to gas safety. A valid certificate is issued when a property meets the national safety requirements – Landlord Gas Safety Record - and the certificate issued is widely known as a CP12. If a unit (individual or communal) does not have a valid certificate (CP12) and a gas appliance becomes faulty, Circle could be held responsible for any injuries or fatalities that occur. The courts would consider whether the RP had done everything reasonable to get access to carry out the check.
- 4.2 Any issues emerging through the gas safety check will be dealt with as appropriate, according to severity. They may be:
- rectified at the time of the check, where the contractor is able to do so
 - scheduled for repair according to the appropriate repair timescale
 - noted for action as part of upcoming planned maintenance on the property.
- 4.3 Any gas appliances that fail the safety check will be disconnected from the gas supply, and the resident instructed not to use them until they can be repaired / replaced. Repair / replacement will then be prioritised according to the Group day-to-day repairs service standards.
- 4.4 A record of all gas safety checks will be kept for two years by the relevant RP in an electronic format. Certificates issued will be a CP12, except in specific instances where only one appliance is involved, where a CP4 may be used instead.

Safety Checks on Domestic Units

- 4.5 An annual gas safety check will be carried out by a registered contractor on each appliance and / or flue that is provided for resident use. Each existing resident will be issued with a copy of the gas safety check certificate within 28 days of it being completed.

Safety Checks on Communal Units

- 4.6 Circle will arrange to carry out an annual gas safety check on communal installations every 12 months. A notice relating to the gas safety check should be posted centrally, indicating that a copy of the safety check will be made available to any resident on request.

Safety Checks for Lettings and Mutual Exchanges

- 4.7 With the exception of letting a single room in a shared property that does not have any gas appliances, all properties will be inspected and certificated (CP12) before letting.
- 4.8 New residents will receive a copy of the gas safety certificate before they move in (some RPs provide the certificate before signing the tenancy agreement). Where it is a mutual exchange the officer arranging the signing will ensure this happens. RPs which have recharge arrangements may charge the resident for this.

- 4.9 Any appliances which have been installed by the previous resident will be removed before re-letting. No appliances should be gifted to the incoming resident.
- 4.10 If it is not intended to re-let a self contained property within 28 days, Circle will arrange for a nominated contractor to disconnect the internal gas pipe work on the outlet side of the meter by either inserting an isolating disc or capping-off the pipe work and draining down the heat and hot water system.
- 4.11 Gas Safety checks for mutual exchanges will be carried out in accordance with the Mutual Exchange policy. Before an exchange can be completed it must be established that there is a valid safety certificate (CP12) for the property. If there is not a valid certificate a check must be completed before the exchange goes ahead. It is the outgoing resident's responsibility to ensure that if there is not a valid certificate they allow access to a contractor to carry out the check.
- 4.12 Where the resident does not allow access for the gas safety check the standard access procedure will be followed.

5 Issues with Access for the Safety Check

- 5.1 Most residents allow access for the annual gas check. However, a small minority that do not comply cause danger to themselves, visitors and neighbours. Individual RPs in the Circle Housing Group retain responsibility to ensure that gas safety checks are carried out, even where there are access difficulties.
- 5.2 A landlord is permitted to enter a tenant's property to view the condition and state or repair under Section 11(6) of the Landlord and Tenant Act 1985, provided that the occupier is given at least 24 hours written notice.
- 5.3 It is also a condition of the tenancy agreement that tenants must provide access to their properties for a gas check. The circumstances in which they are obligated to do so are set out in the tenancy agreement.
- 5.4 In order to gain access, Circle will begin with a letter to the residents at least nine weeks before the check is due, and escalating through to legal proceedings to gain access where necessary. Contractors, RPs and the central team will keep full and accurate records of their actions at every step. Further detail can be found in [Appendix One](#).
- 5.5 Circle will ensure that every effort is made to gain access prior to pursuing legal action. We will regularly consider new and innovative ways to gain access. Where we do seek legal intervention our preferred first option is the use of injunctions.
- 5.6 Where specific circumstances suggest this route will not be effective, or after this route has failed we will consider possession proceedings. RPs may also negotiate local agreements with Local Authorities to deal with difficult access cases under the Environmental Protection Act 1990.
- 5.7 Circle recognises that there may be a support need, language or format issue, or specific tenancy management reason that causes access difficulties. In these circumstances, where it is reasonably practicable to identify the need we will try to overcome or resolve the cause of the problem before pursuing legal action.

- 5.8 Staff members arranging visits to properties where access has previously been refused, must be guided by the Customers Who Pose a Risk to Safety policy. Including arranging for two officers to attend together where necessary.

6 Responsibility for Appliances

RPs' Responsibility

- 6.1 RPs are responsible to ensure, as far as possible, that they are aware of all instances where gas appliances are present in their stock.
- 6.2 In general Circle is not responsible for the safety of cookers or other resident installations and appliances, including portable gas appliances. Pipework remains Circle's responsibility.
- 6.3 Cookers and other appliances, pipe work and flues, which are installed in market rent, intermediate rent, temporary accommodation and supported housing properties that belong to Circle will be inspected.
- 6.4 Installations by external managing agents are not required to be inspected by the landlord. However, the pipework and any flues remain the responsibility of the RP.
- 6.5 All other gas appliances which are fixtures are the responsibility of Circle.
- 6.6 If any installation undertaken by the resident or managing agent is found to be defective upon inspection, then the contractor will terminate the gas supply and make recommendations for required repairs.
- 6.7 When gas cookers owned by Circle need replacing, they should be replaced by an electric cooker of similar functional capability, with the gas supply to the cooker point being capped-off permanently. The gas supply pipe will be removed where it is practical to do so.
- 6.8 Where we have properties heated by portable gas appliances we will ensure that they are removed as a matter of priority and replaced with alternative fixed appliances. Tenancy agreements often prohibit residents from using portable gas appliance, and where necessary we will take action to prevent their continued use.

Resident Responsibility

- 6.9 The resident is responsible for:
- Allowing access for the gas safety check
 - Immediately reporting any concerns with gas appliances, and turning them off until they are checked by a competent person
 - Immediately reporting any case where gas can be smelt in a communal area.

7 Training and Staff Awareness

- 7.1 Circle will ensure that all relevant staff receive appropriate gas safety awareness training. Staff directly involved in the management of gas related activities will receive more in depth training.

- 7.2 All employees should look out for danger signs from gas appliances as a part of their routine duties and visits to resident's homes. Any concerns must be reported to the relevant RP immediately.

8 New Build and Refurbishment

- 8.1 On new build properties and those undergoing substantial refurbishment or major repairs, a safety check (CP12) will be required at the point of handover to the RP (a maximum of 10 days beforehand), regardless of whether a CP12 or CP4 has already been issued previously. For sale units Sales and Marketing will arrange for the check after completion of the sale and before occupation.

9 IGE/G/5 Compliance

- 9.1 We will comply with the Institution of Gas Engineers and Managers (IGEM) document IGE/G/5 which came into force on 1st June 2008 and requires that wherever a new flueless gas appliance such as a cooker is installed in a multi occupancy dwelling (e.g. flats) it must have a Flame Supervision Device (FSD) which will cut off the gas if it detects that the pilot light goes out.
- 9.2 Primarily this will be the responsibility of residents, but where Circle owns such appliances, for example in supported housing or temporary accommodation we will ensure that the appliances comply with these regulations. We will publicise the new regulations to our residents via the Gas Safety key information leaflet.
- 9.3 Contractors will be instructed to note any non-complying cookers on the annual safety check certificate (CP12) and where relevant inform the resident of the regulations.

10 Repairs and Maintenance of Gas Installations

- 10.1 Responsive repairs will be carried out in accordance with the timescales set out in our day-to-day repairs service standards. Where specified in individual contracts, these timescales may be bettered.
- 10.2 All repairs will be carried out in accordance with the Repairs policy. Where major repairs require the removal of a resident, the Decants policy will be followed.
- 10.3 Repairs will take into consideration Gas Safety Register Technical Bulletin 008 (TB008) published in December 2010. This addresses the potential risks of internal flues. Internal flues should be checked to ensure the pipework is not damaged and, where appropriate, hatches should be installed to allow this to be inspected during the annual service.
- 10.4 Planned maintenance will be carried out on domestic and commercial installations, including a programme of boiler replacements, and of central heating improvement. Planned maintenance programmes will be determined annually by the individual RPs and will take into account any recommendations from contractors.

- 10.5 Cyclical maintenance will be carried out in accordance with the manufacturer's instructions for appliances. If these are not available they will be serviced annually unless advised otherwise by a Capita Gas Safe registered installer.
- 10.6 All works on gas appliances and associated pipework must be carried out using installations and appliances designed and installed by qualified and competent persons.
- 10.7 Where responsive repairs, planned maintenance or issues identified at the annual safety check result in no heating being available in the property contractors will be responsible for providing sufficient alternative heating arrangements as well as temporary water heaters. This is especially important for vulnerable and older residents.

11 Contractor Management

- 11.1 We will ensure that we have and hold full details of engineer's qualifications and accreditations and that they are adequate to certify the relevant work. This will be recorded and up-dated consistently through the Group. We will require that all contractors ensure that subcontractors also meet these standards (confirmation of this may be sought by the Group at any time).
- 11.2 All contractors working with oil and solid fuel appliances will also be competent to do so and hold current registrations:
- HETAS – Solid fuel
 - OFTEC – Oil.
- 11.3 All RPs will ensure that it has receipt of the engineer's accreditations before making payment.
- 11.4 We will ensure that our contractors are fully aware of our Health and Safety requirements. It is the responsibility of the contractor to ensure that adequate safety precautions are taken when working on gas appliances and pipework. See Contract Management and Procurement policies for further detail.

Specific Requirements

- 11.5 In line with gas regulations larger appliances must be room sealed if used in bedrooms and bathrooms, and smaller appliances must have a mechanism to automatically shut them down if there are dangerous gases building up.
- 11.6 Where back boilers / wall hung systems are replaced with combination boilers we will ensure that the back boiler / wall hung system is safely de-commissioned. We will not install a fire place for an open fire or a focal fire in the remaining cavity. We will not give permission for residents to carry out alterations or improvements in this space which may affect their safety.
- 11.7 There will be a method of shutting off the gas supply unless it is not reasonably practicable.
- 11.8 Instruction manuals will be left with occupiers of accommodation in which gas appliances are installed but will remain the property of Circle.

Certification and Notification

- 11.9 For domestic properties, where relevant a new certificate (CP12 or CP4) will be completed following the works, and passed to the relevant RP. This includes but is not limited to:
- work directly on gas appliances or pipework
 - any repair or building work to a roof, chimney or flue which could cause a blockage
 - where cavity wall insulation, double glazing, or mechanical extraction are to be installed in properties where an open-flue gas appliance is fitted.
- 11.10 A copy of the gas safety certificate will be issued to the resident within 28 days. For communal installations a notice will be posted centrally, indicating that any resident may request a copy of the certificate.
- 11.11 Installers must notify the HSE's preferred provider for gas contractor's registration of the installation and exchange of all gas appliances (Capita Gas Safe Register). They will in turn notify Building Control where appropriate.
- 11.12 Where residents carry out property alterations and improvements which may affect the safety of gas installations they are responsible to have appropriate checks carried out and arrange for the new certificate to be passed to the RP. Further information about works by residents can be found in the Property Alterations and Improvements policy and procedure.

12 Monitoring

Gas Certification

- 12.1 Central heating database identify all individual and communal units owned throughout Circle and record the type of heating present and whether or not there is an obligation to service the appliance. The database acts as the definitive version of information.
- 12.2 Monthly reports will be generated from the databases to identify the number of units with a current valid certificate (CP12) as a percentage of total stock and the stage that properties without a valid certificate have reached. Results will be reported to the relevant Managing Director on a weekly basis.
- 12.3 The percentage of units with a valid gas certificate is monitored on a monthly basis via Key Performance Indicator reports. These are taken once a quarter to the relevant Board, and the Group Performance Team, and compared at Benchmarking meetings.

Auditing of Certificates

- 12.4 Contractors are responsible to check the certificates have been completed correctly before passing them to the relevant RP. They are required by Circle to provide them in an electronic format supported by a schedule.
- 12.5 Certificates received by the RP and / or their consultant will be checked for accuracy between the certificate and the schedule.

12.6 The Central Asset Management team will carry out sample checks quarterly on a proportion of all certificates received. Staff members carrying out these checks will be appropriately qualified and experienced.

Quality Control of Works

12.7 Quality of works is generally assessed in three ways:

- Assessment of works by a suitably experienced and qualified officer at the relevant Registered Provider or its nominated consultant.
- Self assessment and quality assurance by the contractor
- Resident feedback and satisfaction surveys.

12.8 A minimum of 10% of works should be checked by randomly chosen post inspections. Where appropriate RPs will increase the number of properties post inspected to ensure effective and quality contract delivery. This will usually be achieved by increasing post inspections by increments of 5% or as appropriate.

12.9 Repair performance data is extracted from Orchard or equivalent system on a monthly basis specifically assessing response times. A monthly cumulative summary for the year to date identifies the percentage of jobs completed in and out of target.

12.10 The Circle Housing Group will utilise an independent contractor to undertake 5% checks across all RPs. These will be post inspection checks and where appropriate this percentage will increase by increments of 5% in cases of poor performance.

Compliance Management

12.11 An external competent organisation will be appointed by the Central Asset Management team to undertake an audit of management processes and the quality of works every two years. The audit will highlight any shortcomings and recommend appropriate measures for Circle to adopt.

12.12 In addition the central asset management team will work with partner RPs to ensure compliance with this policy and procedure. Regular reports will be made to the Group Audit & Risk Committee (GARC).

13 Emergency Plan

13.1 The aim is always to put in place all possible plans to preventative measures to avoid an emergency. However, if an emergency situation should arise each RP will implement the action plan held locally.

14 Equality and Diversity

14.1 Circle will treat all customers and staff with fairness and respect. We value diversity and work to promote equality and tackle unlawful discrimination.

14.2 We are committed to supporting customers and staff access information in a way that suits individual needs. Please get in touch with your local office to discuss this.

Glossary

Term	Definition
Capita Gas Safe Register	Capita operates the Gas Safe Register in the United Kingdom. They are appointed by the Health and Safety Executive, and all contractors carrying out works on gas installations must be registered with them.
Flame Supervision Device	A gas fuel safety system that cuts the gas supply to the appliance if the flame goes out or becomes unstable
CP12 / CP4	A CP12 and a CP4 are two different gas safety certificates issued after an inspection. In general, Circle will use CP12s, which are landlord gas safety certificates. Where we have only one appliance in a unit we may use a CP4.
Flue / open flue	A flue is a smoke duct in a chimney, or a proprietary pipe serving a heat-producing appliance such as a central heating boiler. An open flue is a chimney taking flue gases from an appliance which terminates in the open air, usually above roof level. The liner needs to be replaced each time a boiler is fitted. An appliance connected to an open flue must be provided with a combustion air supply directly from the outside.
NOSPs	A NOSP is a Notice of Seeking Possession that landlords serve to tell a tenant that they are commencing legal action to re-gain the property because they have not allowed access for the annual gas check.

Appendix One

Heating Servicing Access Process

	Stage	Activity	Responsibility	Timescale	Notes
1	CP12 Pre-Expiry Letter	Landlord notification to tenant	Client	- 9 weeks	
2	Contractor Access Step 1	Letter of introduction and attendance	Contractor	- 8 weeks	
3	Contractor Access Step 2	Letter with suggested appointment & attendance	Contractor	- 6 weeks	Group Partners, SHD & Commercial & Leasehold advised and directed to make contact with their tenants
4	Contractor Access Step 3	Special Delivery Letter requesting appointment date	Contractor	- 4 weeks	Group Partners, SHD & Commercial & Leasehold advised and directed to make contact with their tenants
5	Final Reminder Letter	Landlord request for appointment	Client	- 3 weeks	Group Partners, SHD & Commercial & Leasehold advised and directed to

					physically visit the property to arrange a suitable appointment
6a	Notice of Seeking Possession / Notice of Injunction Proceedings (General Needs & Directly Managed SHD)	Landlord notification breach	Client	During week of expiry	Group Partners advised and expected to actively engage with resident and consider vulnerability issues
6b	Breach of Management Agreement	Landlord notifies responsible person with Group	Client	During week of expiry	SHD & Commercial & Leasehold advised to address breach
7	NOSP expiry	Landlord directed to commence legal action	Client	Max 6 weeks post expiry	Responsible Person manages the process

Appendix Two

Legislation

Health and Safety legislation, including the Management of Health and Safety at Work regulations 1999

Workplace (Health, Safety & Welfare) Regulations 1992 (as amended)

Specific Gas Safety legislation, including the Gas Safety (Installation and Use) Regulations 1998

Gas Safety (Management) Regulations 1994

The Construction (Design and Management) Regulations 2007