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**Author****Title of policy**

Head of Assets and  
Facilities

Gas Servicing Policy

**Section**

Updated: March 2022

Housing

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**1 Policy statement**

- 1.1 This Policy applies to all properties where Rooftop Housing Group has a responsibility for gas safety. This includes individual homes/properties where domestic and communal gas installations are present. This Policy extends to items such as boilers, fires flues and associated pipework.
- 1.2 The majority of our properties are heated by gas or have a gas installation. Properties not supplied with a gas installation/supply will have their own specific testing and maintenance provision, which are not covered by this Policy.

**2 Statutory and Regulatory context**

- 2.1 The principal legislation for requirements for undertaking landlord gas safety checks are set out by the Gas Safety (Installation and Use) Regulations 1998.
- 2.2 These regulations are for anyone who may have a duty under the regulations, including those who install, service, maintain or repair gas appliances and other gas fittings
- 2.3 They place a statutory requirement on landlords to make sure that gas appliances are serviced annually.
- 2.4 Regulation 36 and 36A of the Gas Safety (Installation and Use) Regulations 1998 details landlords' duties in respect of gas safety.
- 2.4.1 There are **two main duties** on a landlord: **annual safety checks** on gas appliances and flues (and that a record is kept and issued, or in certain cases, displayed to tenants) and **ongoing maintenance**.
- 2.4.2 A landlord must also ensure that there is no gas fitting of a type that would contravene regulation 30 fitted in any room occupied or to be occupied as sleeping accommodation.
- 2.5 The GSIUR generally applies to any gas appliance or flue installed in 'relevant premises' except that:
- Appliances owned by the customer are not covered.
  - Flues/chimneys solely connected to an appliance owned by the customer are not covered.
  - Any appliances and flues serving 'relevant premises' (such as central heating boilers not installed in customers' accommodation but used to heat them) are covered.
- 2.6 The GSIUR also imposed a duty on landlords to maintain and carry out safety checks to fixed as well as portable appliances, such as LPG cabinet heaters.
- Health and Safety at Work etc Act 1974 – Flues serving tenant's own appliances are not covered under the GSIUR, however, landlords have a duty of care under the Health and Safety at Work etc act 1974 (HSWA), which covers a wider range of duties such as the fabric of the building and chimneys. This would be in addition to the requirements of the GSIUR.

- 2.7 The Health and Safety Executive (HSE) advises that the extent of these duties would be for a court to decide but it seems likely that they would take the view that any chimney should be maintained in a condition so as to be 'fit for purpose', for example to effectively remove products of combustion.
- 2.8 The amended GSIUR 2018 Regulations place landlords under the same legal obligations but allow a two-month window for the timing of annual checks. A 'deadline date' will be allocated to each gas appliance or flue within the scope of the Regulations. Landlords can carry out their annual safety checks between 10 and 12 months from the last check however will be treated as if the check was carried out on the last day of the 12 months validity, thereby preserving the existing expiry date of the safety check record.
- 2.9 The regulatory requirement for this area of work is set out in the Regulatory Framework for Social Housing in England from 2012. The Home Standard is the Consumer Standard for gas.
- 2.10 There are other statutory responsibilities and duties that RHG are aware of and comply with as part of this Policy through the appointed contractor. These are contained in the following legislation.
  - 2.10.1 HSE Legislation, Health and Safety at Work etc Act 1974 (HSW Act), Pipelines Safety Regulations 1996 (PSR), Gas Safety (Management) Regulations 1996 (as amended) (GSMR), Workplace (Health, Safety and Welfare) Regulations 1992 (WHSR) Management of Health and Safety at Work Regulations 1999 (MHSWR), Provision and Use of work Equipment Regulations 1998 (PUWER), Construction (Design and Management) Regulations 2015 (CDM), Pressure Systems Safety Regulations 2000 (PSR), Health and Safety (Safety Signs and Signals) 1996 (SSR), Dangerous Substances and Explosive Atmospheres 2002 (DSEAR), Reporting of Injuries Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).
  - 2.10.2 Other Legislation; Gas Acts 1986 and 1995 (GA) Gas Appliances (Safety) Regulations 1995 (GASR).
- 2.11 All landlords have a legal responsibility to comply with these regulations, which are enforced by the Health and Safety Executive (HSE) and detailed in their Approved Code of Practice L56 (fifth edition)
- 2.12 RHG will meet the Regulatory requirements of the Regulator of Social Housing's Home Standard which includes meeting all applicable statutory requirements that provide for the health and safety of our customers in their homes in relation to gas.
- 2.13 A contractor who is Gas Safe Registered has been appointed as part of a cost sharing group and is currently undertaking works under a long term contract.
- 2.14 All engineers who work for the Gas Safe Registered contractor are required to be listed and have a live registration with the contractor are required to be listed and have a live registration with the contractor which is renewed every 12 months.
- 2.15 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 are due to be updated in 2022. These changes will require all landlords to install Carbon Monoxide (CO) alarms in rooms with fixed combustion appliances (excluding gas cookers) to protect occupants from the dangers of CO poisoning.
- 2.16 There will also be a requirement in this Act for all social landlords to replace or repair CO alarms once informed that they are faulty.

### **3 Policy outline**

- 3.1 This Policy outlines RHG approach to ensuring the safety of all gas appliances, flues and associated pipework within all properties owned or managed by RHG.
- 3.2 RHG has a legal duty to ensure that gas appliances and flues they provide for customers' use are always maintained in a safe condition. The Policy covers both RHG, RHL and RHA properties and schemes including communal areas with a gas carcase (includes boilers and gas fires, flues and pipework). The Policy covers the following areas:
- The Group's responsibilities
  - The contractor's responsibilities
  - The tenant's responsibilities
  - The competence of the contractor
  - The Property Asset record
  - New schemes (new build and transfers)
  - Performance monitoring and quality control
  - Responsibility
- 3.3 Not all RHG properties are heated with gas appliances. Such properties will have their heating systems maintained through local cyclical and planned maintenance programmes.
- 3.4 This Policy applies to general needs and supported housing properties with Gas appliances. Gas safety checks in RHG leasehold and shared ownership properties are not the responsibility of the organisation.
- 3.5 There are risks associated with gas installations/appliances through leaks of natural gas, which is highly flammable and explosive, and carbon monoxide which is toxic and potentially fatal if builds-ups occur.
- 3.6 RHG are committed to ensuring the safety of our tenants, staff and any others who may be affected by the installation of gas appliances, associated flues and pipework in properties that we own or have responsibility for managing.
- 3.7 RHG require our contractors to abide by all relevant legislation and technical guidance and keep up to date with any amendments.
- 3.8 Any contractor undertaking works to a gas supply, or an appliance must be registered through the 'Gas Safe Register'. Individual engineers must be registered, trained and qualified to work on specific gas appliances and installations.
- 3.9 The Policy covers the following areas:
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  - The contractor's responsibilities
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  - The Property Asset record
  - New schemes (new build and transfers)
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  - Responsibility

### **4 Objective/project**

- 4.1 The purpose of this Policy is to identify the legal requirements placed on RHG as a landlord to ensure that all installation pipework, gas appliances and flue systems owned by RHG are serviced and maintained in accordance with current legislation.

- 4.2 Failure to comply with gas safety regulations is a criminal offence; in addition, this could result in:
- A health and safety risk from natural gas or carbon monoxide which could lead to serious injury or death.
  - Financial and legal penalties due to noncompliance with regulations.
  - Loss of reputation with customers and stakeholders due to poor service delivery.
- 4.3 The key objective of this Policy is that gas systems will be well maintained so not to represent an uncontrolled risk of harm to residents, staff and others affected by the activities of RHG.
- 4.4 We will carry out our responsibilities and obligations as set out below:
- Ensure annual landlord gas safety checks are carried out between two months before the 12 month anniversary and the date of 12 month anniversary of the last gas service and records are kept and issued to tenants by a registered Gas Safe contractor.
  - Ensure that only engineers with a valid gas safe registration and qualifications are allowed to work on our gas installations and appliances
  - Ensure a landlord gas safety check is carried out at each stage of RHG tenancy and a copy of the appropriate certification issued to the new tenant.
  - Ensure that any gas appliances, pipework of flue is repaired and maintained to approved standards and compliant with manufacturer's recommendations and specifications in compliance with Regulations 26.9 of the Gas Safety (Installation and Use) and approved codes of practice and guidance.
  - Procure and manage contractors appropriately, ensuring that only registered contractors under the Gas Safe Register are used and appropriately qualified engineers undertake works.
  - Unsafe situations will be actioned by the engineer in accordance with Gas Industry Unsafe Situations Procedure
  - Keep detailed computerised information (for at least 2 years) of all landlords gas safety records and manage performance to ensure that every effort is made to maintain 100% compliance.
  - Reconcile our records with those held by the contractor on a quarterly basis
  - Validate annually each asset within RHG identifies as not requiring a gas safety check to ensure our data is correct.
  - Issue tenants with a copy of the Landlord Gas Safety Record (LGSR) within 28 days of it being completed.
  - 5% of all services will be audited on an annual basis by an independent organisation who has Gas Safe accredited engineers
  - Provide a copy of the landlord gas safety record to individual tenants at sites or display in communal area where checks relate to communal systems
  - Carry out a gas safety check upon the completion of a mutual exchange
  - Ensure 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
  - Ensure a valid gas safety certificate is provided as part of completion of sale for shared ownership or shared equity products.
- 4.5 RHG shall not be guilty of an offence by reason of contravention of regulation under Regulation 39 Exception as to liability for regulations 30 (insofar as it related to the installation of a gas fire, or other gas space heater or a gas water heater of more than 14 kilowatt gross heat input) or 36 (annual safety checks on gas appliances and flues and ongoing maintenance) in any case which we can show and satisfy a court that we took all reasonable steps to prevent that contravention.

## **5 The Group's responsibilities**

- 5.1 The GSUIR imposes a duty on RHG to comply with the regulations as it falls within the definition of 'certain landlord' in that it grants tenancies for periodic terms to customers.
- 5.2 In addition to ensuring installations are maintained in a safe condition undertaking gas servicing is key in ensuring that the useful life of individual heating system components is maximised and hence value for money is optimised.
- 5.3 Where chimneys are used to remove products of combustion RHG will maintain these to be 'fit for purpose'.
- 5.4 RHG will consider, on a risk assessed basis, the installation and use of heating controls/technology to future facilitate access to properties to undertake its gas safety inspection obligations.
- 5.5 In addition, RHG provides both written and verbal instruction on heating and gas safety advice to all new customers through demonstrations of safe use of systems and in residents' information booklets.
- 5.6 RHG recognises it has a duty of care to its leaseholders and shared owners, who have individual gas appliances within their properties, to remind them of the importance of undertaking regular servicing on their appliances by a Gas Safe engineer.
- 5.7 RHG is responsible for providing for all homes a smoke alarm on each floor of the home and a Carbon Monoxide detector in all rooms where there is a fixed combustion appliance (excluding gas cookers) and for carrying out a test of these appliances once a year in line with recommended best practice – this will be carried out as part of the annual Gas Safety Check.

## **6 Tenant's responsibilities**

- 6.1 It is a requirement of the tenancy agreement for tenants to allow reasonable access for any maintenance or service and safety check work to be carried out. In appropriate cases, charges may be made for missed appointments.
- 6.2 RHG is required to take 'all responsible steps' to ensure gas safety work is carried out, and this may involve giving them written notice requesting access and explaining the reason.
- 6.3 Failure to allow access will be considered a breach of the tenancy agreement. If a tenant does not allow or refuses access after two contacts, RHG will seek action through the courts and request that the legal costs and fees associated with obtaining access are recharged to the tenant in the Court Order. RHG also reserves the right to cut off the gas supply at the meter where it is outside the property. The supply will then be reconnected when access is given.
- 6.4 Tenants are also required to regularly test their smoke and Carbon monoxide alarms and to report to RHG if they are faulty.

## **7 The Contractor's responsibilities**

- 7.1 The contractor's responsibilities emanate from the Gas Safety Regulations 1998 (Installation and Use).
- 7.2 When working on RHG appliances the contractor will always comply with legislation and amend practices and procedures in accordance with changing legislation.

- 7.3 The contractor will attend monthly meetings with RHG for quality control purposes and performance monitoring.
- 7.4 When attending a property to carry out a gas safety check they will show their Gas Safe registration to the customer to demonstrate that they are competent to work on the gas appliances in the property.
- 7.5 The contractor will carry out a visual check on gas appliances and flues provided by the customer and will report on the condition of appliances to the customer and RHG. Any unsafe appliance should have warning labels attached. This should not be removed until repairs are complete.
- 7.6 The contractor will provide a LGSR which will record information required in accordance with current legislation.

## **8 Property asset records**

- 8.1 RHG will hold electronically a record of gas assets, smoke and carbon monoxide detectors. The record will detail:
- Type, make, model and location of appliances when identified at point of installation.
  - Date of installation.
  - Servicing history.

## **9 New schemes (new build and transfers)**

- 9.1 RHG receives a Practical Completion certificate for each property at handover. For new schemes we will require a gas installation certificate to be provided before handover.

## **10 Performance targets and monitoring**

- 10.1 Levels of customer satisfaction will be monitored to identify whether services are meeting their needs and a quarterly report will outline performance in terms of:
- Number of properties safety checked.
  - Number of properties outstanding without a valid LGSR.
- 10.2 The relevant performance target for this service area is:
- 100% of properties with compliant gas safety process.
  - 100% of properties with a valid landlord's gas safety record (LGSR).

## **11 Use of Court**

- 11.1 Where RHG has taken reasonable steps but has not gained access to a customer's home, RHG may serve a notice seeking possession as the first step towards applying to Court or work in partnership with the Environmental Health team to serve notice on the customer under section 80 of the Environmental Protection Act 1990.
- 11.2 RHG will follow the No Access Policy when obtaining access for gas safety checks

## **12 Equality and diversity**

- 12.1 RHG will be sensitive to the specific needs of customers. We will seek to identify those needs and explore with these customers the importance and necessity of conducting the annual gas service.

### **13 Consultation**

13.1 Executive Team March 2022

### **14 Responsibilities**

The Head of Asset Management has overall responsibility to ensure that the annual gas servicing takes place in conjunction with the contractors.

#### **Responsible body**

14.1	Formulation, amendment and approval of policy	Executive Team
	Monitoring of policy	Leadership Team
	Operational management of policy/policy author	Head of Assets and Facilities
14.2	<b>Date of formulation of Policy</b>	May 2010
14.3	<b>Dates of Policy reviews</b>	March 2022
14.4	<b>Date of next review</b>	March 2025

### Associated documents

#### Internal

- Repairs, maintenance and improvements Policy
- Customer care service standard
- Gas and other heating source servicing procedure
- Gas safety booklet
- Tenancy agreement
- No Access Policy

#### External

- The Gas Safety (Installation and Use) Regulations 1998
- Regulator of Social Housing Regulatory Framework
- Gas Safe Register
- Health and Safety at Work Act 1974
- The Management of Health and Safety at Work Regulations 1999
- The Workplace (Health Safety & Welfare) Regulations 1992
- Gas Safety (Management) Regulations 1996 (as amended)
- The Building Regulations in England & 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
- Smoke and Carbon Monoxide Alarm (England) 2015
- Landlord and Tenant Act 1985
- Data Protection Act 1998
- Occupiers Liability Act 1984
- RIDDOR 2013