



Dunbritton Housing Association Limited

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Responsible Officer	Head of Asset Services
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1. Introduction

Dunbritton Housing Association recognises that gas installations, if not annually safety checked, maintained and repaired, can present a major risk to the health, safety and wellbeing of our customers living in our homes, colleagues working in our offices and the wider estate, people who visit our properties and contractors. Gas safety incidents can cause ill health through CO poisoning gas poisoning or asphyxiation, and harm from fire and explosion, which could cause injury, loss of life, significant damage to property and pose significant financial and reputational risks to our organisation.

Dunbritton Housing Association is an employer, and a responsible social landlord, and we acknowledge our legal and moral obligations in reducing the potential risks from the dangers caused by gas installations, especially ill health, injury and loss of life. The aim of this policy is to provide a robust gas safety framework which can be implemented to protect the safety and wellbeing of our tenants, staff, contractors and visitors to our properties.

2. Policy Scope

This policy applies to all gas installations (supplies, flues, appliances and fittings) within tenanted properties owned and managed by the Association, this includes our offices and places of work. Where we are not the freeholder of any properties, which are within our control, the responsibility for gas safety management will be clearly defined within the management agreement.

This policy applies to all gas safety related work streams associated with maintaining gas safety across the Association, including the annual safety check and maintenance, ongoing maintenance, repairs and renewals of gas installations and appliances. The organisation does not currently have any commercial gas installations or any other fossil fuel burning appliances.

This Policy applies to all the Associations staff and the Management Board members, given that the Policy outlines the main responsibilities for gas safety. This policy also applies to all tenants, owners, contractors and any visitors to our buildings including members of the public.

3. Legislation Framework

Dunbritton Housing Association will comply with all relevant legislation and regulatory requirements for gas safety. Set out below is the principal legislation which applies to gas safety management for the Association.

The Health and Safety at Work Act 1974; General Duty on Employers

This primary Health and Safety legislation imposes a general duty on employers to ensure the health, safety, and welfare of their employees at work, so far as reasonably practical. This statutory duty is also applicable to “others” who may be affected by the employer’s undertakings (i.e., work activity), such as contractors, tenants, neighbours, owners, visitors, and members of the wider general public

The Management of Health and Safety at Work Regulations 1999 section 3, sets out the duty for every employer to make a suitable and sufficient risk assessment of the risks to health and safety of all their employees whilst at work and other people not in their employment.

The Gas Safety Installation and Use Regulations 1998 (GSIUR) (as amended) contain specific statutory duties for employers. **Regulations 3 and 4 of GSIUR**, requires employers (of staff and contractors) to ensure the person/business carrying out any gas work is registered with Gas Safe and competent to work on the specific element of gas required. **Regulation 36 of GSIUR** - Duties of landlords, sets out specific statutory duties relating to the requirements for landlords to carry out appropriate maintenance and annual safety checks for all gas appliances, fittings and flues, and details the standards to be achieved and specific documentation to be issued to the tenant, and to verify each gas installation is safe to use.

L56 Approved Code of Practise (ACOP) is This Approved Code of Practice and guidance which gives practical advice on the Gas Safety (Installation and Use) Regulations (GSIUR). It is for anyone who may have a duty under the regulations, including landlords, employers, those who install, service, maintain or repair gas appliances and other gas fittings. This fifth edition has been revised to incorporate the amendments made by SI 2018/139 Gas Safety (Installation and Use) (Amendment) Regulations 2018. The latest edition of L56 can be downloaded free on the Health and Safety Executive (HSE) website.
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The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (2013) (RIDDOR) requires employers, the self-employed, and other people in control of work premises, to report and keep records of:

- Work-related accidents which cause death
- Work-related accidents which cause certain serious injuries (reportable injuries)
- Dangerous occurrences with the potential to cause harm.

The gas engineer or their employer must provide details of any gas fittings, including appliances and flues or ventilation used with the appliances, that you consider to be dangerous, to such an extent that people could die, be rendered unconscious or need to be taken to hospital, because the design, construction, installation, modification or incorrect servicing could result in:

- An accidental leakage of gas
- Incomplete combustion of gas
- Inadequate removal of products of the combustion of gas.

L122 Approved Code of Practice (ACOP) for the Pressure Systems Safety Regulations 2000 (PSSR). It provides guidance and practical advice on how to comply with the law for the safe design and use of pressure systems. The PSSR aims to prevent serious injury from pressure system failure.

The Gas Industry Unsafe Situations Procedure (GIUSP) is a gas industry guidance document that helps gas engineers identify, classify and address unsafe gas situations. The GIUSP applies to gas installations, equipment, and appliances in both homes and businesses.

The Scottish Social Housing Charter - the Scottish Housing Regulator (SHR) has identified several key indicators relevant to housing maintenance by which it will measure landlord performance, including the following:

Quality of housing – tenants' homes, as a minimum, meet the **Scottish Housing Quality Standard (SHQS)** by April 2015 and continue to meet it thereafter, and when they are allocated, are always clean, tidy and in a good state of repair.

The Scottish Secure Tenancy (SST) agreement The Association will use the tenancy agreement to force access as required when customers do not let us in to carry out the gas safety check and service, but only under controlled circumstances. In relation to forcing access, the Scottish Secure Tenancy Agreement includes the following clause at paragraph 5:12:

“We have the right to come into your house to inspect it and its fixtures and fittings or carry out repairs to it, or adjoining property, during reasonable times of the day. We will give you at least 24 hours' notice in writing. We have the right of access to your house ... providing we give you reasonable notice in writing ... If you refuse us entry, we will have the right to make forcible entry provided we have given you every reasonable opportunity to let us in voluntarily. If we have to make forcible entry, in this situation, you are liable for the costs of any damage reasonably caused. In an emergency, we have the right to make forcible entry to your house without notice.”

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In addition to the above key pieces of legislation there are other associated regulations, standards and guidance which are applicable to Gas safety, these are:

- Pressure Systems Safety Regulations 2000
- Gas Safety (Management) Regulations 1996
- The Dangerous Substances and Explosive Atmosphere Regulations 2002 (DSEARR)
- Construction, (Design and Management) Regulations 2015
- The Workplace (Health, Safety and Welfare) Regulations 1992
- Safety in the Installation and use of Gas Systems and Appliances
- IGEM/ G/ 11 The current Gas Industry Unsafe Situations Procedures (GIUSP)
- Guidance leaflet INDG285 (rev 3): A Guide to Landlord's Duties
- Technical bulletins and industry safety alerts (Gas safe)
- The Corporate Manslaughter and Corporate Homicide Act 2007
- L80: A Guide to the Gas Safety (Management) Regulations 1996
- Control of Substances Hazardous to Health Regulations 2002
- Control of Asbestos Regulations (CAR) 2012

4. Regulatory Framework

The Scottish Housing Regulator's (SHR) main role is to monitor, assess, report and intervene (as appropriate) in relation to social landlords' performance of housing activities and RSLs' financial well-being and standards of governance, in relation to tenants, people who are homeless, gypsy/travellers and factored owners.

Section 36 of the Housing 2010 Act requires the SHR to issue a Code of Conduct setting out Standards of Governance and Financial Management for RSLs. The SHR has seven standards in place which the Association must adhere to and meet. Below are the seven standards. We have indicated next to each standard whether we deem it is applicable to this gas safety policy:

The relevant standards from the SHR Framework and Standard of Governance and financial Management relevant to this policy are:

Regulatory Standard 1 (RS1) – *'The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users'*.

Regulatory Standard 3 (RS3) – *'The RSL manages its resources to ensure its financial well-being, while maintaining rents at a level that tenants can afford to pay'*.

Regulatory Standard 5 (RS5) – *'The RSL conducts its affairs with honesty and integrity'*.

The Health and Safety Executive (HSE) is responsible for gas safety in the UK and provides guidance and resources to help people understand and comply with gas safety regulation. The HSE is the regulator and enforcing authority in the UK (alongside Gas Safe) for gas safety incidents.

Gas Safe are appointed by the HSE and are the official body that regulates gas safety and installation in the United Kingdom, Isle of Man, Guernsey, and Jersey. All gas businesses and engineers must be registered with the Gas Safe Register. The register protects the public from unsafe gas work by:

- Licensing Gas Contractors to work on gas appliances and installations
- Monitoring that gas work is carried out safely and competently

5. Aims and Objectives of this policy

The aim of this policy is to ensure that we minimise the risk of gas incidents occurring, which could lead to ill health, injury or fires occurring and spreading, so that residents, staff and visitors can enjoy safe access to, and use of, our services and facilities. In addition, we aim to ensure, so far as is reasonably practicable, the health, safety and welfare of our employees and other persons who may be affected by our activities in relation to gas safety.

Our objectives are to interpret all applicable legislation and standards to Dunbritton Housing Association as an employer and registered social landlord for gas safety, to enable us to develop suitable and sufficient management arrangements to maintain gas safety. Our main objective is to implement these gas safety arrangements to minimise the risk of ill health, injury, loss of life or a fire occurring and spreading and ensure we promote a good level of gas safety awareness for all applicable stakeholders to ensure the arrangements are delivered effectively, and what to do in the event that a gas incident occurs.

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6. Roles and Responsibilities

The Management Board will be responsible for the approval of the policy. In approving this policy, acknowledges that it accepts full responsibility for its implementation. Day-to-day responsibility for the operation of this policy is the responsibility of the Chief Executive with assistance from the Head of Finance & Corporate Services, Head of Asset Services and Head of Housing Services .

The Chief Executive with assistance from the Management team will:

- Ensure that the requirements of the policy are communicated to all staff and reinforced on a regular basis.
- Ensure that all staff and Management Board receive adequate gas safety awareness training and are encouraged to develop and promote safe working practices and attitudes towards gas safety.
- Liaise with Gas Safe and the Health and Safety Executive (HSE) on matters relating to gas safety including taking any actions resulting from their advice.

- Manage the annual safety checks, maintenance, repairs and renewals of all gas installations, in buildings owned and managed by the Association.
- Ensure that void properties have a safety check and maintenance before the new customer moves in.
- Monitor and report to the Management Board with any recommendation regarding gas safety
- Ensure staff receive gas safety training, as the training needs analysis dictates.

The Chief Executive, assisted by Head of Asset Services, will:

- Be responsible for the implementation of the policy.
- Ensure compliance with all relevant legislation regarding gas installations, supplies and gas appliances and all other types of gas fittings.
- Ensure all persons or contractors carrying out gas annual safety checks, maintenance and repairs are trained and competent to do so and are members of Gas Safe.
- Ensure that as part of our letting's standard, a valid LGSR is completed inclusive of the remediation all identified defects (At Risk – AR and Immediately Dangerous – ID)
- Ensure that all gas responsive repairs and ongoing maintenance is carried out to the required gas standards and by competent gas safe registered engineers
- Ensure systems and contracts are in place for up-to-date advice to be received on current and proposed gas safety legislation, related regulatory and good practice requirements.
- Ensure that all appropriate staff receive adequate gas safety awareness training according to their role and are encouraged to develop and promote safe working practices and attitudes towards gas safety.

The Chief Executive, assisted by Head of Housing Services, must:

- Ensure that regular estate management inspections are carried out and where a potential gas risk is identified appropriate actions are taken to mitigate these risks.
- Ensure that access to domestic properties is sufficiently supported to enable access and evidence reasonable attempts to access the properties have been made for the annual LGSR to be completed and associated gas work in line with the Scottish Secured Tenancy Agreement.
- Ensure that the requirements of the policy are communicated to all relevant staff and tenants and reinforce such communication on a regular basis via the Association's website, tenant newsletter and social media.

The Asset Co-ordinator will be responsible for maintaining a register, with all relevant technical information, of gas appliances and equipment installed within the Association's property.

The Asset Co-Ordinator & Maintenance Officers will be responsible for ensuring all gas repair works are carried out by appropriately registered contractors and in line with current statutory regulations and current best practice.

- i. Ensuring that all remedial works have the appropriate commissioning and test certificates at the time of completion and the appropriate information is made available to the Head of Asset Services.
- ii. Ensuring that for all void properties either a gas soundness test or a full gas service is carried out prior to the commencement of the new tenancy
- iii. Ensuring all gas appliances upgrade and replacement works undertaken in planned works programs are carried out by appropriately registered contractors and in line with current statutory regulations and current best practice.
- iv. Ensuring that all new programs of work have the appropriate commissioning and test certificates at the time of handover

Every employee of Dunbritton Housing Association has a health and safety responsibility and duty with regard to arrangements made for maintaining their own safety in the activities they carry out and responding to emergency situations.

7. Gas Safety Arrangements

Listed below are the key gas safety arrangements we will have in place in relation to effectively managing gas safety:

- We will ensure that we identify all relevant properties owned or managed by the Association which require an annual landlord gas safety inspection and maintenance visit.
- We will develop and maintain a register listing all properties with gas supplies, installations, appliances, flues and fittings, that we are responsible for including the date of the last LGSR to ensure we remain within the 12-month cycle.
- We will ensure an annual safety check is carried out on every appliance and/or associated flue and gas fitting provided for tenants' use on an annual basis. This will be in line with the GSIUR 1998 as amended in 2018 and the Association will work to the regulation 36A amendment whereby a safety check can be completed up to two months earlier from the date of the previous inspection but keeping the original anniversary date.
- We will ensure that all void properties have a Gas safety check and effective maintenance carried out prior to handover of keys for the new tenancy.
- We will ensure all gas maintenance, repairs and annual safety checks are only carried out by Gas Safe registered business and engineers who competent to do so.

- We will take prompt action to complete any work which was identified as part of the safety check but which could not be resolved at that visit. This includes all At Risk “AR” and Immediately Dangerous “ID” defects as well as any other remedial works (Not to current standards) the Association deems necessary to resolve.
- We will keep a record of each safety check for a minimum of 2 years, Regulation 36 of GSIUR states we should keep all records until there has been two further safety checks completed.
- We will issue a copy of the safety check to each existing tenant within 28 days of the safety check being completed and to any new tenant before they move in.
- We will ensure all gas appliances (including any appliance left by the previous tenant) is safe or otherwise removed before re-letting.
- We will carry out visual checks on tenants’ own appliances in line with Technical Bulletin TB055 and Gas Industry Unsafe Situations Procedure (GIUSP) and will contractually request the Gas Contractor record all tenants’ own appliances on the LGSR.
- We will ensure that contracts with external contractors are managed effectively, and robust contract monitoring is in place to monitor performance and promote continuous improvement.
- We will ensure there are suitable levels of governance, oversight, and supervision to implement this Policy, inclusive of making this document available to all relevant staff and ensuring that staff with gas safety roles have read and understood the content and what is expected of their role.
- We will ensure that all relevant staff receive appropriate training, including specialist roles and general awareness of gas safety.
- We will ensure there is a suitable Carbon Monoxide (CO) detector installed for every gas appliance (excluding cookers)
- We will ensure suitable and sufficient resources are in place to effectively manage customer relationships, tenancy agreements, and leases to keep them informed of the gas arrangements for the home/building in which they live and expectation in terms of them providing access to us to carry out gas safety related works.
- We will ensure there are suitable and sufficient emergency procedures in place to deal with emergency situations as a result of issues associated with gas safety.
- We will ensure that we manage data robustly to assure ourselves that we are accurately and robustly fulfilling our statutory responsibilities as an employer and a landlord relating to gas safety across the business and respond promptly to failures in systems and data management.
- We will ensure we work with all regulatory, statutory, and enforcing authorities, including Gas Safe, the Scottish Housing Regulator (SHR), the Health and Safety Executive (HSE) and local authorities.

8. Action required to gain access

In accordance with section 5 of the Scottish Secure Tenancy Agreement, tenants should be aware that we are entitled to obtain access for maintenance and safety check.

When access has not been obtained on two occasions by the contractor, the Association must send a letter directly to the tenant requesting access.

If the above measures fail to ensure access, the Association will exercise the right to enforce entry as stipulated in section 5.11 of the Scottish Secure Tenancy Agreement. All subsequent costs of any damage will be recharged to the tenant.

9. General Data Protection Regulations/Freedom of Information

When implementing this Gas Safety Policy, we will ensure compliance with the principles of these Acts. Record keeping for the purposes of this policy relate to the contract that is in place and undertaking LGSR's. This will include contractors having access to tenants' personal details for the purpose of visiting properties and a data sharing agreement is in place. All data will be held in line with GDPR requirements. This Policy is written to be open and transparent in line with FOISA.

10. Customer Consultation and Information

We will endeavor to inform our service users of Gas Contractors who have been appointed to carry out work to their homes both internally and externally.

On request, we will provide Contractors and tenants with information pertaining to this Policy. We will ensure the Association, and the Gas Contractor make reasonable attempts to communicate with customers to ensure access is gained to carry out the annual safety check and maintenance.

Any issues or complaints raised by our customers in relation to this policy or any issue associated with gas-related work will be handled in line with our complaints policy.

11. Risk Management and Compliance

This Gas Safety Policy confirms and complies with the following:

- The Associations Risk Management Policy.
- All relevant and current Gas Safety Legislation
- Asset Management Performance Standards Policy,
- Risk Management Policy
- Freedom of Information Act
- General Data Protection Regulation (GDPR)
- Fire Safety Policy
- Electrical safety policy
- Housing (Scotland) Act Tolerable standard Chapter 16

12. Equality and Diversity

As a service provider and employer, we recognise the requirements of the Equality Act 2010, oppose any form of discrimination, and will treat all customers, internal and external, with dignity and respect. We recognise diversity and will ensure that all of our actions ensure accessibility and reduce barriers to employment and the services we provide.

13. Monitoring and Review

This Policy will be reviewed every 3 years but will be subject to earlier review if there are any significant changes in legislation, good practice or operational changes, which may affect the content of this policy.