

# Electrical Safety Policy



<b>Name</b>	Electrical Safety Policy
<b>Owner</b>	Chief Officer - Housing and Property
<b>Last Review</b>	November 2021
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## 1.0 Introduction and Policy Objectives

- 1.1 Lancaster City Council (Lancaster) is responsible for the maintenance and repairs to homes, communal blocks and other properties we own and manage, all of which will contain electrical installations and equipment.
- 1.2 The key objective of this policy is to ensure our Cabinet, Senior Leadership Team (SLT), employees, partners and residents are clear on our legal and regulatory electrical safety obligations. This policy provides the framework our staff and partners will operate within in order to meet these obligations.
- 1.3 This policy forms part of our wider organisational commitment to driving a positive health and safety culture amongst staff and contractors. It will be saved on our shared drive and distributed to all relevant members of staff.

## 2.0 Scope

- 2.1 This policy is relevant to all our employees, residents, contractors, stakeholders and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services.
- 2.2 The policy should be used by all to ensure they understand the obligations placed upon Lancaster to maintain a safe environment for residents and employees, within the home of each resident, and within all communal areas of buildings and other properties we own and/or manage. Adherence to this policy is mandatory.

## 3.0 Regulatory Standards, Legislation, and Codes of Practice

- 3.1 **Regulatory standards** - We must ensure that we comply with the Regulator of Social Housing's regulatory framework and consumer standards for social housing in England; the Home Standard is the primary one applicable to this policy.
- 3.2 **Legislation** - The principal legislation applicable to this policy is as follows:
  - Landlord and Tenant Act 1985.
  - The Electricity at Work Regulations 1989.
  - The Electrical Equipment (Safety) Regulations 2016.
  - The Homes (Fitness for Human Habitation) Act 2018.
  - The Management of Houses in Multiple Occupation (England) Regulations 2006.
- 3.3 **Guidance and codes of practice** - The principal guidance and codes of practice applicable to this policy are:
  - IET Wiring Regulations British Standard 7671: 2018 (18th edition).
  - The Code of Practice for In-Service Inspection and Testing of Electrical Equipment (ISITEE) 2012 (4th edition).
  - HSE INDG236: 'Maintaining portable electrical equipment in low risk environments' (as amended 2013).

- Electrical Safety Council: 'Landlords' Guide to Electrical Safety 2009'.
- Code of Practice for the Management of Electrotechnical Care in Social Housing (January 2019).

3.4 **Sanctions** - Failure to discharge our responsibilities and obligations properly could lead to sanctions, including: prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; prosecution under any of the principal legislation listed in 3.2; and via a regulatory notice from the Regulator of Social Housing.

## 4.0 Additional Legislation

4.1 This policy also operates within the context of the following legislation:

- Health and Safety at Work Act 1974
- The Management of Health and Safety at Work Regulations 1999
- The Workplace (Health Safety and Welfare) Regulations 1992
- Regulatory Reform (Fire Safety) Order 2005
- The Building Regulations for England and Wales (Part P)
- The Housing Act 2004
- The Occupiers' Liability Act 1984
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Provision and Use of Work Equipment Regulations 1998
- Construction, Design and Management Regulations 2015
- Data Protection Act 2018
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)

## 5.0 Obligations

5.1 The Landlord and Tenant Act 1985 and the Homes (Fitness for Human Habitation) Act 2018 place duties on landlords to ensure that electrical installations in rented properties are:

- Safe when a tenancy begins.
- Maintained in a safe condition throughout the tenancy so the property is fit for habitation.

5.2 To comply with these duties, electrical installations are required to be periodically inspected and tested. There is no legal requirement setting out how frequently we must carry out inspections and tests in the public sector rented properties.

5.3 However, best practice guidance from the Electrical Safety Council and from BS7671:2018 recommends that electrical installations are tested at intervals of no longer than five years from the previous inspection. This guidance also states that any deviation from a five year interval should be at the recommendation of a competent NICEIC qualified (or equivalent) person, and should be backed up by sound evidence to support the recommendation.

- 5.4 All electrical installations should be inspected and tested prior to the commencement of any new tenancies. This means that tests should be carried out whilst properties are void and when mutual exchanges and transfers take place, and a satisfactory Electrical Installation Condition Report (EICR) must be issued to the resident upon moving in.
- 5.5 The Electricity at Work Regulations 1989 places duties on employers that all electrical installations and appliances within the workplace are safe and that only competent persons work on the electrical installations, systems and equipment.
- 5.6 The Electrical Equipment (Safety) Regulations 2016 requires landlords to ensure that any electrical appliances provided as part of a tenancy are safe when first supplied.
- 5.7 There is a legal requirement to carry out an electrical inspection and test every 5 years in all private sector rented housing.
- 5.8 The Management of Houses in Multiple Occupation (England) Regulations 2006 require that every electrical installation in an HMO is inspected and tested at least every five years by a suitably qualified person.

## **6.0 Statement of Intent**

- 6.1 We acknowledge and accept our responsibilities with regards to electrical safety under the legislation and regulations, as outlined in Section 5.
- 6.2 We will ensure that all electrical installations are in a satisfactory condition following the completion of an EICR.
- 6.3 We will ensure that a full EICR is undertaken in the case of a change of occupancy (void properties, mutual exchanges and transfers).
- 6.4 We will test (and replace as required) hard-wired smoke and carbon monoxide alarms as part of the annual gas safety check visit (or at void stage).
- 6.5 We will operate a robust process if there is difficulty gaining access to a property to carry out the EICR or remediation works. We will use the legal team, who in turn will use the legal remedies available within the terms of the tenancy agreement, lease or license, provided the appropriate procedures have been followed and approval given by the Chief Officer - Housing and Property. Where resident vulnerability issues are known or identified, we will ensure we safeguard the wellbeing of the resident.
- 6.6 We will ensure that there is a robust process in place for the management of immediately dangerous situations identified from the electrical safety check.
- 6.7 We will operate effective contract management arrangements with the contractors responsible for delivering the service, including; ensuring contracts/service level agreements are in place, conducting client-led performance meetings and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.
- 6.8 We will operate measures to identify, manage and/or mitigate risks related to portable electrical appliances in properties where we provide these as part of the tenancy, or as part of a communal facility.
- 6.9 We will establish and maintain a risk register for electrical safety management and operations, setting out our key electrical safety risks and appropriate mitigations.

- 6.10 To comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM) a Construction Phase Plan will be in place for all repairs work to void and tenanted properties (at the start of the contract and reviewed annually thereafter), component replacement and refurbishment works.
- 6.11 We will ensure there is a robust process in place to investigate and manage all RIDDOR notifications made to the HSE in relation to electrical safety.

## 7.0 Inspection Programmes

- 7.1 A 5-yearly cycle of electrical inspection and tests will commence from 1<sup>st</sup> April 2023.
- 7.2 We will carry out a programme of five yearly electrical installation inspections and tests to all domestic properties, communal blocks and other properties (unless the competent person recommends an earlier next test date), and this will include the issuing of a new satisfactory EICR. The inspection and test is driven from the anniversary date of the most recent EICR.
- 7.3 **New builds and rewires** - All new builds, and all properties which have had a rewire, will receive their first electrical installation inspection and test five years after the date of installation, and every five years thereafter.
- 7.4 **Properties managed by others** - We will obtain EICRs where our properties are managed by a third party. If the third party does not provide the EICR, we will carry out the inspection and re-charge them for the cost of this work.

## 8.0 Follow-up Work

- 8.1 We will instruct contractors to repair all Code 1 (C1) and Code 2 (C2) defects identified by an electrical installation inspection and test at the time of the check, to produce a satisfactory EICR. Where this is not possible, we will request contractors to make the installation safe and return to complete the required remediation works within five working days to ensure a satisfactory EICR is produced.
- 8.2 Where any C1 and C2 defects have been repaired, they will be recorded on the satisfactory EICR to provide an audit of the work completed.
- 8.3 We will review all Code 3 (C3) and Further Investigation observations and determine the most appropriate course of action.

## 9.0 Data and Record Keeping

- 9.1 We will maintain a core asset register of all properties we own or manage, with component/attribute data against each property to show electrical safety servicing requirements.
- 9.2 We will operate a robust process to manage all changes to stock, including property acquisitions and disposals, to ensure that properties are added or removed from the electrical safety programme as required, and the programme remains up-to-date.

- 9.3 We will maintain accurate records, against each property we own and/or manage, of the following:
- Inspection dates;
  - EICRs;
  - Minor Electrical Works Certificates and Building Regulation Part P notifications associated with remedial works; and
  - Electrical Installation Certificates.
- 9.4 We will keep all records (digital - EDMS, and paper copies) for at least ten years, and have robust processes and controls in place to maintain appropriate levels of security for all electrical safety related data. We will ensure compliance with GDPR and client details recorded on electrical certification will detail Lancaster City Council and not the tenant's name.

## 10.0 Resident Involvement and Engagement

- 10.1 We consider good communication essential in the effective delivery of electrical safety programmes, therefore we will establish a resident engagement strategy and communication programme to support residents in their understanding of electrical safety.
- 10.2 This will assist us in maximising access to carry out electrical inspections, encourage and support residents to report any concerns about electrical safety, and help us to engage with vulnerable and hard to reach residents.
- 10.3 We will share information clearly and transparently and will ensure that information is available to residents via regular publications and information on our website.

## 11.0 Training

- 11.1 We will deliver training on this policy and the procedures that support it, including: team briefings; basic electrical safety awareness training; and on the job training for those delivering the electrical safety programme, planned maintenance and repair works as part of their daily job. All training undertaken by staff will be formally recorded.

## 12.0 Performance Reporting

- 12.1 We will report robust key performance indicator (KPI) measures for electrical safety. These will be provided to the SMT and Director for Communities and Environment on a monthly basis and to the Cabinet on a quarterly basis. As a minimum, we will report:

### Data - the total number of:

- Properties - split by category (domestic, communal and others);
- Properties on the electrical inspection and testing programme;

- Properties not on the electrical inspection and testing programme;
- Properties with a satisfactory and in date EICR;
- Properties without a satisfactory and in date EICR;
- Properties due to be inspected and tested within the next 30 days; and
- Completed, in-time and overdue follow-up works/actions arising from the inspection programme.

**Narrative - an explanation of the:**

- Current position;
- Corrective action required;
- Anticipated impact of corrective action; and
- Progress with completion of follow-up works.

**In addition:**

- The number of RIDDOR notifications to the HSE with regards to electrical safety.

## 13.0 Quality Assurance

- 13.1 We will ensure there is programme of third party quality assurance audits of electrical safety checks. This will be:
- 100% of all new installations.
  - 10% sample site audits of electrical safety work completed by the contractor.
  - 5% sample of all EICR certificates
- 13.2 In addition, we will undertake 100% desktop audits of EICRs as they are received.
- 13.3 We will carry out an independent audit of electrical safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify non-compliance issues for correction.

## 14.0 Non-Compliance/Escalation Process

- 14.1 Our definition of non-compliance is: any incident which has the potential to result in a potential breach of legislation or regulatory standard, or which causes a risk to health or safety. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred, or becoming aware of it.
- 14.2 Any non-compliance issue identified at an operational level will be formally reported to the Chief Officer - Housing and Property in the first instance, who will agree an appropriate course of corrective action with the Repairs & Maintenance Manager and report details of the same to the SLT.
- 14.3 In cases of serious non-compliance, this will be reported to Cabinet. SLT and Cabinet will consider whether it is necessary to disclose to the Regulator of Social Housing as



required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive.