



# Lancaster City Council

## Housing and Property: Council Housing

### Electrical Safety Policy

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Prepared by:	PM
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Approved by:	JW
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(01524) 582929



[councilhousing@lancaster.gov.uk](mailto:councilhousing@lancaster.gov.uk)



## 1. Introduction and Policy Objectives

- 1.1. Lancaster City Council (Lancaster) is responsible for the maintenance and repairs to homes, communal blocks, Corporate, Commercial, and other properties – referenced as our property portfolio that we own and manage, all of which may contain electrical installations and equipment.
- 1.2. The key objective of this policy is to ensure our Cabinet, Senior Leadership Team (SLT), Chief Officer – Housing and Property, employees, partners, and tenants 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. Scope

- 2.1. This policy is relevant to all our employees, tenants, 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 tenants and employees, within the home of each tenant, and within all communal areas of buildings, Corporate, Commercial and other properties we own and/or manage. Adherence to this policy is mandatory.

## 3. Legislation, Regulatory Standards & Codes of Practice

- 3.1. **Regulatory standards** – For Council Housing, we must ensure that we comply with the Regulator of Social Housing’s regulatory framework and consumer standards for social housing in England; the Safety and Quality Standard is the primary one applicable to this policy.

- 3.2. **Legislation** – The principal legislation applicable to this policy is as follows:

### **For all properties**

- Landlord and Tenant Act 1985.
- The Electricity at Work Regulations 1989.
- The Electrical Equipment (Safety) Regulations 2016.

### **For Council Housing**

- 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).
- HSE HSR25 - The Electricity at Work Regulations 1989.
- HSE ACoPs

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. 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 1957 (as amended 1984)
- Defective premises Act 1972
- 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. 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 tenant 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.

## 6. 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. As the Landlord for domestic properties, we will test (and replace as required) any smoke or heat detectors/alarms within a dwelling, as part of the annual gas safety check visit, or at void stage and/or as part of the fixed-wire electrical inspection. Those domestic properties that are “off gas”, not void or due a periodic EICR will be part of an annual inspection programme.
- 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 vulnerability issues are known or identified, we will ensure we safeguard their wellbeing.
- 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. 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.
- 6.10. 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. Inspection Programmes

- 7.1. We will carry out a programme of five yearly electrical installation inspections and tests across the property portfolio (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 are driven from the anniversary date of the most recent EICR.
- 7.2. New builds and rewires – All new builds, and all properties which have had a rewire, or replacement consumer unit will receive their first electrical installation inspection and test five years after the date of installation, and every five years thereafter.
- 7.3. 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. Follow-up Work

- 8.1. For domestic properties, 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. For Commercial and Corporate properties, contractors will supply the unsatisfactory EICR, and quote(s) will be obtained for the remedial works by the Compliance team.
- 8.3. 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.
- 8.4. We will review all Code 3 (C3) and Further Investigation observations and determine the most appropriate course of action.

## 9. 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. Quarterly data reconciliation/validation with the core asset register to ensure all properties are captured.
- 9.5. We will keep all records 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.

## 10. Tenant Involvement and Engagement

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

## 11. Key Roles and Responsibilities

- 11.1. The Cabinet have ultimate responsibility for ensuring compliance with the consumer standard and ensuring tenants, members of staff, and visitors are safe in our properties.
- 11.2. The Cabinet will have governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards.
- 11.3. For assurance that this policy is operating effectively in practice, the Cabinet will receive regular updates on its implementation, electrical safety performance and any incidents of non-compliance.

- 11.4. The Senior Leadership Team (SLT) and the Chief Officer – Housing and Property will receive monthly performance reports in respect of electrical safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 11.5. The Chief Officer – Housing and Property has strategic responsibility for the management of electrical safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 11.6. The Asset and Compliance Manager – Housing & Property (Asset & Compliance Team) has operational responsibility for the management of electrical safety and will be responsible for overseeing the delivery of these programmes.
- 11.7. The Housing and Property teams will provide support where gaining access to properties is difficult and the legal team will assist and facilitate any legal access processes as necessary.

## 12. Competent Persons

- 12.1. An officer in the Compliance Team will hold a Level 4 VRQ in Level 4 VRQ in Asset Management and Compliance. If they do not have this already, they will obtain it within 12 months of the approval of this policy or within 12 months of appointment.
- 12.2. The Asset and Compliance Manager (Asset and Compliance Team) has lead responsibility for the management of electrical safety and will be responsible for overseeing the delivery of these programmes.
- 12.3. Only suitably competent NICEIC (or equivalent) electrical contractors and operatives will undertake electrical works on our behalf.
- 12.4. Only suitably competent NICEIC (or equivalent) third party technical auditors will undertake quality assurance checks.
- 12.5. All contractor checks will be undertaken during procurement and then on an annual basis and evidenced appropriately.

## 13. Training

- 13.1. 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.

## 14. Performance Reporting

- 14.1. We will report robust key performance indicator (KPI) measures for electrical safety. These will be provided to the Chief Officer – Housing and Property on a monthly basis and Cabinet and SLT on a quarterly basis. As a minimum, we will report:



**Data – the total number of:**

- Properties – split by category (domestic, communal, Corporate, Commercial 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.

## 15. Quality Assurance

15.1. 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

15.2. In addition, we will undertake 100% desktop audits of EICRs as they are received.

15.3. 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.

## 16. Non-Compliance/Escalation Process

16.1. 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.

16.2. 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 Asset and Compliance Manager (Asset and Compliance Team) and report details of the same to SLT.

16.3. 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.

