

<b>Title</b>	<b>Gas Service Access Policy</b>
<b>Document Owner</b>	Director of Home Maintenance Services
<b>Next Review Date</b>	August 2018
<b>Corporate Aim</b>	Deliver a strong business, fit for today and prepared for tomorrow

## **1. POLICY PURPOSE AND AIMS**

- 1.1 This policy describes the responsibilities and statutory obligations of whg in respect to carrying out an annual gas service inspection to all of its homes and how it will endeavour to achieve access to carry out the annual gas service inspection.
- 1.2 Reasonable attempts will be made to gain entry to all homes in order to carry out a gas service inspection, failure to carry out this inspection may result in faulty appliances and dangerous installations which may cause injury or death and result in criminal prosecutions.
- 1.3 The Policy is intended to strike a balance between maintaining a good relationship with whg customers and establishing robust processes to secure access to properties in order to inspect and service gas appliances.
- 1.4 This Policy is intended to deal specifically with the issue of access to properties in order to carry out the annual gas service. It does not deal with the service itself, the timing of the service, or the technical effectiveness of the service delivered.
- 1.5 The primary reason for producing this Policy is in order to establish processes and practices that ensure whg's properties that may contain gas installations and equipment are safe to be operated by customers, and that the organisation complies with the current Gas Safety (Installation and Use) Regulations 1998 (GSIUR), and in particular regulation 36 which sets out the obligations of landlords.
- 1.6 In the event that a property does not receive an annual gas safety inspection and a subsequent serious gas incident occurs, particularly if the incident results in injury or death, the organisation and/or individual officers of the organisation could be liable to criminal prosecution.
- 1.7 The liability referred to in 1.6 would apply even if the customer themselves were responsible for the incident as regulation 36(10)

states that customers actions and agreement will not be taken into consideration in assessing the landlord's compliance with the regulations.

- 1.8 The only exception to the liability is in regard to access for the purposes of checking or maintenance and regulation 39 relieves a landlord of liability where they can show that they took all reasonable steps to prevent that contravention.
- 1.9 The Environment Act 1995 grants Local Authorities the right to force entry, but only in an emergency. Registered providers and private landlords do not have powers to forcibly enter premises for the purposes of carrying out this kind of activity.

## **2. OUR POLICY**

- 2.1 whg will keep accurate records of our attributes on the asset database and maintain a list of all the homes that require a gas service including new homes recently added to our portfolio. The data will record the date of the last safety check and the fuel type within the home and an electronic copy of the Landlord Gas Safety Record (LGSR) will be retained.
- 2.2 As a landlord, whg has a statutory obligation to carry out an annual gas safety inspection in all of its properties. Failure to make all reasonable attempts to gain access in order to carry out this inspection could result in undetected faulty appliances, dangerous installations, injury or death and criminal prosecutions.
- 2.3 This Policy is intended to set out how whg will make every reasonable effort to gain access to properties in order to perform the annual gas service and fulfil its statutory obligations.
- 2.4 In order to comply with the Gas Safety Regulations 1998 whg must be able to demonstrate that all reasonable steps have been taken to gain access to the property. These steps must be properly recorded and documented as they would be required as evidence in any Health and Safety Inspectorate investigation or prosecution following any serious incident.
- 2.5 We will endeavour to arrange access by appointment. Where appropriate we will also work closely with colleagues across whg to arrange access, for example working with Estate Management and Independent Living Teams. Methods used to secure entry will be primarily persuasive, by means of general publicity and direct contact.
- 2.6 We will ensure individual customers' needs are taken into consideration by checking and updating whg's information systems and adapting our service where appropriate. For example, writing to a customer where they may have hearing difficulties.

- 2.7 When all persuasive means have failed or where despite best efforts whg has failed to make contact with the customer, access with the assistance of the courts will be pursued.
- 2.8 All written communication will contain whg's standard language translations explaining how full translation can be obtained.
- 2.9 The gas service inspections will be planned in accordance with the last gas service date recorded at the property, with an allowance of 55 days in order to deal with difficult access cases, but still complying with the 365 day interval between services.
- 2.10 When all attempts have failed to secure access arrangements with the co-operation of the customer, a letter will be sent by recorded post. The letter will explain that despite efforts being made, it has not been possible to carry out the gas safety inspection and that as a result, legal action will be taken to enable whg to fulfil its requirement under the current Health & Safety regulations.
- 2.11 Legal action can be by way of injunctive relief or possession proceedings. The usual course of action will be by way of a County Court injunction. However in certain circumstances it may be appropriate to seek possession of the property. whg will continue to attempt to engage with the customer to obtain access whilst the legal process is ongoing.
- 2.12 As part of the process leading up to injunction proceedings a Notice of Seeking Possession will be served on the customer for failing to allow access for a gas service. This serves to act as a final warning for the customer and also provides additional evidence to the Court in any subsequent injunction application. It also obviates the need for such a Notice to be served at a later date should it become necessary to seek possession of the premises.
- 2.13 In determining whether to commence injunction proceedings checks will be made to ascertain whether any other proceedings are pending (e.g. rent arrears, anti-social behaviour, abandoned property) which may impact on the outstanding gas service and obviate the need for additional proceedings to be issued. Wherever possible and if appropriate we will seek to consolidate proceedings.

### **3. PERFORMANCE MEASURES AND TARGETS**

- 3.1 whg aims to ensure all our homes have an up to date LGSR. Taking the actions outlined above where necessary will enable us to actively protect the safety of our customers in their homes.
- 3.2 Gas safety performance is monitored through all our corporate performance dashboards. In addition to this a monthly management report to the Corporate Director – Asset Management and Director of Home Maintenance Services includes details of the gas service performance and percentage of homes with an up to date LGSR.

- 3.3 Any home with a history of non compliance will gas servicing deadlines be addressed at an earlier stage within the process to ensure compliance.

#### **4. MONITORING AND REVIEW**

- 4.1 This policy will be reviewed every three years to ensure its continuing effectiveness and to reflect any changes in business operations, or as required by the introduction of new legislation or regulations.

#### **5. ASSOCIATED DOCUMENTS AND POLICIES**

Gas Safety (Installation and Use) Regulations 1998 (GSIUR)

Health and Safety at Work Act 1974 as amended

The Gas Safety (Rights of Entry) Regulations 1996 (as amended by the utilities act (2000))

The Environmental Act 1995

Gas Appliances (Safety) Regulations 1995

Data Protection Policy

Customer Excellence Policy

Health and Safety Policy

Gas Service Access process