



HOUSING COMPLIANCE (ELECTRICAL SAFETY) POLICY

Date of policy	April 2021 <u>2024</u>
Date for review	April 2024 <u>March 2027</u>
Policy owner	Director of Housing and Operations, Folkestone & Hythe District Council
Approved by	Pending
Risk register rating	High
Associated documents	FHDC Electrical Safety procedure

Revision history (For FHDC officer use only)			
Version	Date	Revision description	Policy author
V1.0	March 2020	Document created	Lee Woods (Pennington Choices)
V2.0	March 2021	Re-branding; update of key roles and responsibilities in line with FHDC reporting structure	John Holman, Assistant Director (Housing); Jonathan Hicks, Policy & Performance Specialist
V2.1 (draft)	November 2023	Changes made to reflect current working practises.	Keith Deane, Compliance Specialist; Jonathan Hicks, Performance Specialist
V2.2 (draft)	January 2024	3.7 updated to reflect new powers by the Regulator;	Jonathan Hicks, Performance Specialist

		6.18/19 added Controlled Access.	
--	--	----------------------------------	--

NEW POLICY / POLICY REVIEW	
New policy	
Early review – change in legislation	
Early review – significant changes in practice	
Review due – significant changes	
Review due – minor changes	YES
Other reason	

Reason for new policy / summary of changes
To ensure the accountability for managing this policy reflects the current working practices of the housing and compliance team

CONSULTATION	
List of people/roles who have been consulted	Date
TBC	

EQUALITY IMPACT ASSESSMENT	Completed	Date
	Yes	28 April 2021

DISSEMINATION		
Role	Awareness	Essential
Compliance team		YES
All housing staff	YES	

TRAINING		
Role	Trainer	Date completed
Compliance Specialists	Compliance Senior Specialist	

MONITORING AND COMPLIANCE		
Method	Responsibility	Frequency
Internal audit review	EK Audit partnership	Annually or as required

Table of Contents

1.	Purpose of the Policy	4
2.	Policy Objectives and Scope	4
3.	Legal/Regulatory Framework	5
4.	Responsibility	6
5.	Obligations	8
6.	Statement of Intent	8
7.	Compliance Risk Assessment/Inspection Programmes	10
8.	Compliance Follow-up Work	11
9.	Key controls and reporting	11
10.	Performance Reporting	11
11.	Quality Assurance	12
12.	Non-Compliance/Escalation Process	13
13.	Training	13
14.	Equality and Diversity	13

1. Purpose of the Policy

- 1.1 Although the UK has a fairly good record on electrical safety, there are still over 30 deaths and nearly 4,000 injuries from electrical accidents that occur in the home each year. A large number are related to electrical maintenance or DIY activities. The major dangers to health from electrical accidents are from shock, burns, electrical explosion or arcing, fire, and mechanical movements initiated by electricity.
- 1.2 Folkestone & Hythe District Council (hereafter referred to as 'the Council') is responsible for the maintenance and repairs to its homes and other buildings, all of which will contain electrical installations and appliances. The Landlord and Tenant Act 1985 and the Housing Act 2004 place duties on landlords to ensure that these electrical installations are safe at the start of any tenancy and are maintained in a safe condition throughout the tenancy.
- 1.3 The Council is also responsible for maintaining electrical installations and equipment in non-domestic (communal blocks) and any 'other' properties (offices, commercial shops, depots, etc.) it may own or manage under the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 2016.

2. Policy Objectives and Scope

- 2.1 The Council must establish a policy which meets the requirements for electrical safety under the Landlord and Tenant Act 1985, the Housing Act 2004, the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 2016. In addition to this, the policy must provide assurance to the Council that measures are in place to ensure compliance with these regulations and to identify, manage and/or mitigate risks associated with electrical installations and electrical portable appliances.
- 2.2 The Council must ensure compliance with electrical safety legislation is formally reported to the Council's Corporate Leaders and Members including the details of any non-compliance.
- 2.3 The policy is relevant to all Council employees, tenants, contractors and other persons who may work on, occupy, visit, or use its domestic and non-domestic social housing premises, or who may be affected by its activities or services.
- 2.4 It should be used by all to ensure they understand the obligations placed upon the Council to maintain a safe environment for tenants and employees within the homes of each tenant, and within all communal areas of buildings and any 'other' properties (owned and/or managed).

3. Legal/Regulatory Framework

- 3.1 **Regulatory Standards** - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England, which was introduced by the Regulator of Social Housing (RSH).
- 3.2 **Legislation** - the principal legislation applicable to this policy is the Landlord and Tenant Act 1985; the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 2016.
- 3.3 Section 8 of the Landlord and Tenant Act 1985 sets out implied terms as to fitness for human habitation, and Section 11 of the Landlord and Tenant Act 1985 places repairing obligations in short leases.
- 3.4 The Electricity at Work Regulations 1989 places duties on employers to ensure that all electrical equipment used within the workplace is safe to use. The Electrical Equipment (Safety) Regulations 2016 requires Landlords to ensure that any appliances provided as part of a tenancy are safe when first supplied.
- 3.5 The Council is the 'landlord' by virtue of the fact that it owns and manages homes and buildings housing tenants/leaseholders through the tenancy, lease and licence agreement obligations it has with its tenants/leaseholders.
- 3.6 **Code of Practice** – the principal approved 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 (5th edition)
 - HSE INDG236: 'Maintaining portable electrical equipment in low-risk environments' (as amended 2013)
 - ~~Electrical Safety Council: 'Landlords' Guide to Electrical Safety 2009'~~
 - ~~Electrical Safety First: Landlords' guide to electrical safety~~
 - Code of Practice for the Management of Electro-technical Care in Social Housing (January 2019)
- 3.7 **Sanctions**
- 3.7.1 The Council acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and approved codes of practice and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health and Safety Executive under the Health and Safety at Work Act 1974, and/or prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007, ~~and via a serious detriment judgement from the Regulator of Social Housing.~~
- 3.7.2 In addition, the Regulator of Social Housing has powers to proactively intervene where landlords are performing badly on consumer issues (including non-compliance with building safety measures) and may conduct routine inspections to investigate systematic issues.

- 3.8 **Tenants ~~and Leaseholders and HRA Commercial Stock~~**— The Council will use the legal remedies available within the terms of the tenancy agreement, lease or licence should any tenant or ~~HRA commercial stock~~ leaseholder refuse access to carry out essential electrical safety checks, maintenance and safety-related repair works.

3.9 **Additional Legislation**

This Electrical Safety Policy also operates in the context of the following additional 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
- Management of Houses in Multiple Occupation (England) Regulations 2006
- Housing (Scotland) Act 2006
- 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 (RIDDOR) 2013
- Homes (Fitness for Human Habitation) Act 2018

4. **Responsibility**

- 4.1 The Council's Cabinet will have overall governance responsibility for ensuring the Electrical Safety Policy is fully implemented to ensure full compliance with the regulatory standards, legislation and approved codes of practice. The Council's Cabinet will formally approve this policy and review it every ~~two~~ three years (or sooner if there is a change in regulation, legislation or codes of practice).
- 4.2 The Council's Director of Housing and Operations has strategic responsibility for the management of electrical safety and for ensuring compliance is achieved and maintained. ~~The Director will also oversee the implementation of the Electrical Safety Policy.~~
- 4.3 The Council's ~~Director of Housing and Operations~~ Assets Lead Manager will be responsible for overseeing the delivery of the agreed electrical safety

programme, and the prioritisation and implementation of any works arising from the electrical safety inspections. The day-to-day operational delivery will be delegated to the housing compliance team.

4.4 The housing teams will provide key support in gaining access into properties where access is proving difficult, and use standard methods to do so. They will also facilitate the legal process to gain access as necessary.

4.5 The Council's ~~Director of Housing and Operations~~ Chief Officer for Housing will be responsible for ensuring the policy is reviewed every ~~two~~ three years and will notify the Corporate Leadership Team and relevant operational team(s) responsible for the delivery of the compliance programme, of the upcoming review.

4.6 **Competent Persons**

4.6.1 The Council will ensure that the ~~manager~~ officer with lead responsibility for operational delivery is appropriately qualified, holding one of the following as a minimum:

- Level 4 VRQ in Electrical Safety Management (or equivalent);
- A minimum of a level 4 qualification in a related subject such as Level 4 VRQ Diploma in Asset and Building Management Compliance.

4.6.2 Where the appropriate qualification has not yet been obtained, the Council will seek assistance from a relevant external consultant, until the Council employee(s) has obtained the qualification(s). ~~The most appropriate qualification will be obtained within 12 months of the approval of this policy, or within 12 months of the start of employment for any new operational leads, where the employee does not already hold it.~~

4.6.3 ~~The Council will ensure that the manager with lead responsibility for operational delivery maintains/gains Approved Electrical Contractor Accreditation with the National Inspection Council for Electrical Inspection Contracting (NICEIC) or equivalent for all areas of electrical inspection, testing, installation and repair works that they undertake.~~

4.6.34 The operational team with responsibility for delivery will check the relevant accreditations for the work that contractors and operatives are carrying out. These checks will be undertaken on an annual basis and evidenced appropriately.

The Policy

5. Obligations

5.1 The Landlord and Tenant Act 1985 places duties on landlords to ensure that electrical installations in rented properties are:

- Safe when a tenancy begins, Section 8 (1a)
 - Maintained in a safe condition throughout the tenancy, Section 11 (1b)
- 5.2 In order to be compliant under these duties electrical installations are required to be periodically inspected and tested. The intervals between inspections are not absolutely set within any regulations, however, best practice guidance from the [Electrical Safety Council and from BS7671:2018 Institute of Engineering and Technology \(IET\) Guidance note 3: Inspection and testing BS:7671:2018](#) states that electrical installations should be tested at intervals of no longer than 5 years from the previous inspection.
- 5.3 Any deviation from these intervals should be at the recommendation of a competent NICEIC qualified (or equivalent) person and should be backed up by sound engineering evidence to support the recommendation.
- 5.4 All electrical installations should be inspected and tested prior to the commencement of any new tenancies (void properties or new builds), mutual exchanges and transfers, and a satisfactory Electrical Installation Condition Report (EICR) should be issued to the tenant prior to them 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 (Section 16).
- 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 The Council acknowledges and accepts its responsibilities with regard to electrical safety under the Landlord and Tenant Act 1985, the Housing Act 2004, the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 2016.
- 6.2 The Council will hold accurate records against each property it owns or manages, identifying when the electrical installation was last inspected and tested.
- 6.3 Inspection and re-inspection dates, along with EICR records, will be held electronically. A safety inspection will be undertaken sooner than the stated period if recommended by the competent person.
- 6.4 The Council will ensure that all electrical installations shall be in a satisfactory condition following completion of an electrical installation inspection and test.

- 6.5 The Council will ensure that a full electrical installation inspection retest is undertaken in the case of a change of occupancy (void properties, mutual exchanges and transfers) for all properties. This test will take place as near to the date at which the new tenancy commences.
- 6.6 The Council will ensure that only suitably competent NICEIC electrical contractors and engineers (or equivalent) undertake electrical works for the organisation.
- 6.7 The Council will carry out electrical installation inspection and tests and issue new satisfactory EICRs when completing planned component replacement works within domestic properties.
- 6.8 The Council will have a robust process in place to gain access should any tenant or leaseholder refuse access to carry out essential electrical safety related inspection and remediation works.
- 6.9 The Council will have a robust process in place to gain access to properties where tenant vulnerability issues are known or identified, whilst ensuring the organisation can gain timely access to any property in order to be compliant with this policy and safeguard the wellbeing of the tenant.
- 6.10 The Council will have a robust process in place to actively communicate with tenants in relation to electrical safety.
- 6.11 The Council will ensure that robust processes and controls are in place to manage the completion of follow up works identified during inspection and testing of electrical installations.
- 6.12 The Council will ensure that all contractors' employee and public liabilities are up to date on an annual basis.
- 6.13 The Council will ensure contracts/service level agreements are in place with the contractors responsible for delivering the compliance service.
- 6.14 The Council will ensure there are effective contract management arrangements in place, in the form of client-led meetings taking place regularly, with standard agendas and minutes produced, key performance indicators analysed and programmes and performance scrutinised.
- 6.15 The Council will ensure that measures are in place to identify, manage and/or mitigate risks related to portable electrical appliances in any properties where The Council is responsible for these. This will be achieved through annual PAT testing (unless otherwise specified within manufacturers' recommendations).
- 6.16 The Council will ensure that there is a robust process in place for the management of immediately dangerous situations identified from the electrical safety check.

6.17 The Council will implement a robust process to deal with all changes to stock, including new property acquisitions, disposals and stock transfers, in order to ensure that properties are not omitted from the compliance programme, and to ensure the programme remains up-to-date.

6.18 The Council will have a robust controlled access procedure in place should any tenant refuse access to carry out essential safety related inspection and/or remediation works. The Council will make every effort to obtain access giving reasonable notice, and before the inspection/certificate is due to expire. However, if access has still not been granted, or in cases of emergency, we will take enforcement action to gain entry to the property if necessary. This may mean undertaking a 'controlled entry'.

6.19 Where a controlled entry is required, a locksmith appointed by the Council will gain entry to the property and change the lock. Work will be completed with or without the tenant's presence and the tenant will be recharged for the work.

7. Compliance Risk Assessment/Inspection Programmes

7.1 **Risk assessment** – The Council will establish and maintain a risk assessment for electrical safety management and operations. This risk assessment will set out the organisation's key electrical safety risks together with appropriate mitigations.

7.2 **CDM** - to comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM) a Construction Phase Plan will be completed for all repairs work to void and tenanted properties (at the start of the contract and annually thereafter), component replacement and refurbishment works where applicable.

7.3 **Domestic properties** – The Council will carry out a programme of electrical installation inspection and testing to all domestic properties. This inspection and test will be carried out at intervals of no less than five years (unless the competent person recommends the next test must be done sooner than this) and will include the issuing of a new satisfactory EICR. This inspection and test is driven from the anniversary date of the most recent EICR, which may have been carried out at the start of a new tenancy or following planned component replacement works.

7.4 **Communal Blocks and 'Other' properties** – The Council will carry out a programme of electrical installation inspection and testing to all 'communal blocks' and any 'other' properties (shops, offices, depots, etc.), where there is a landlord's electrical installation (and the Council has the legal obligation to do so). This inspection and test will be carried out at intervals of no more than five

years (unless the competent person recommends the next test must be done sooner than this) and will include the issuing of a new satisfactory EICR.

7.5 This inspection and test is driven from the anniversary date of the most recent EICR which may have been carried out following planned component replacement works. ~~The Council's EICR programme will be aligned with the timescales set out within its 5-year contract specification. The five year inspection period will commence following a catch up programme, which is due to be completed within the timescales outlined within the EKH Recovery Plan.~~

7.6 ~~**Commercial Stock Assigned to the HRA** — The Council will ensure it has records of a valid EICR where properties it owns or manages are managed by people or organisations other than the Council (i.e. are managed by managing agents). These properties will be included on the Council's electrical inspection and testing programme, so a new EICR can be requested from the managing agent prior to the existing one expiring. If the managing agent fails to carry out the electrical inspection and test, the Council will step in and carry out the test and re-charge the managing agent for the cost of this work.~~

8. Compliance Follow up Work

8.1 The Council will ensure there is a robust process in place for the management of any follow-up works required following the completion of a periodic inspection and test of an electrical installation.

8.2 The Council will ensure there is a robust process in place to collate and store all EICRs and associated records and certification of completed remedial works.

8.3 The Council will, as a minimum, make safe and/or where possible endeavour to repair all ~~code 1 and code 2~~ C1 (danger is present) and C2 (potentially dangerous) defects identified by a periodic electrical installation inspection and test before leaving site after completing the inspection and testing works.

8.4 Any C2 works which cannot be completed at the time of the inspection and test will be completed within ~~F1 with~~ 10 working days and an EICR ~~will be~~ issued stating that the installation is in a satisfactory condition. ~~Code 3~~ C3 (recommended improvement) and ~~F1~~ type works will be referred back to the Council's programme manager for a decision.

9. Key controls and reporting

9.1 The Council will hold accurate records against each property it owns or manages, identifying when the electrical installation was last inspected and tested.

9.2 Inspection and re-inspection dates, along with EICR records will be held electronically.

- 9.3 The Council will establish and maintain accurate records of all completed EICRs, Minor Electrical Works Certificates (MEW) and Building Regulation Part P notifications associated with remedial works from these reports, and Electrical Installation Certificates, and keep these as per the organisation's Data Retention Policy. Remedial works will be managed through an Excel Spreadsheet.
- 9.4 The Council will hold and maintain accurate records on the qualifications of all engineers undertaking electrical safety works for the organisation.
- 9.5 The Council will ensure robust processes and controls are in place to provide and maintain appropriate levels of security for all electrical safety related data.

10. Performance Reporting

- 10.1 Robust performance indicator measures will be established and maintained to ensure the Council is able to report on performance in relation to electrical safety.
- 10.2 Performance measures will be produced and provided at Corporate Leadership Team (CLT) and Cabinet as part of the reporting cycle, as required. As a minimum these measures will include reporting on:

~~10.2.1 Data – the total number of:~~

- ~~• Properties – split by domestic properties, communal blocks and 'other' properties;~~
- ~~• Properties on the electrical inspection and testing programme;~~
- ~~• Properties not on the electrical inspection and testing programme;~~
- Communal Pp properties with a valid 'in date' EICR (~~in line with a 5 year re-inspection period~~). This is the level of compliance expressed as a number and/or as a percentage;
- Domestic Pp properties with a valid 'in date' EICR (in line with a ~~5 year~~5-year re-inspection period). This is the level of compliance expressed as a number and/or as a percentage;

10.3 In addition, performance reporting may include (where necessary):

- Written narrative on the current position, corrective action applied, and/or progress on follow-up works.

~~10.2.2 Narrative – an explanation of the:~~

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

11. Quality Assurance

- 11.1 The Council will carry out 100 per cent desktop audits on the documentation produced by the external contractor delivering the inspection and testing programme.
- 11.2 The Council will appoint a third-party independent auditor to undertake quality assurance audits on a minimum 5 per cent sample of electrical works and supporting documentation. This sample will increase if issues are identified within the initial 5 per cent sample.
- 11.3 The Council will carry out an independent audit of electrical safety at least once every two years. This audit will specifically test for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues for correction.

12. Non-Compliance/Escalation Process

- 12.1 The definition of non-compliance in relation to this policy refers to any incident which results in a potential breach of legislation or regulatory standard, or which causes or has the potential to cause a significant a risk to health or safety.
- 12.2 Any non-compliance issue identified at an operational level will be formally reported to The Council's Director of Housing and Operations as part of the monthly reporting cycle.
- 12.3 Where necessary The Director of Housing and Operations will agree an appropriate course of corrective action with the relevant operational team(s) in order to address the non-compliance issue.
- 12.4 The Director of Housing and Operations will ensure the ~~Cabinet Member for Housing, Transport and Special Projects~~appropriate Cabinet Member(s) is made aware of any non-compliance issue.

13. Training

- 13.1 The Council will ensure that all operatives working for, or on behalf of, the organisation have the relevant training required for their role. This will be managed via periodic assessments of training needs and resulting programmes of internal and/or external training.

14 Equality and Diversity

14.1 An Equality Impact Assessment has been carried out to determine whether the policy would have an impact on any member of staff, tenants or contractor workforce, which unfairly discriminates or disadvantages them in the context of the Equality Act 2010. Adherence to the policy provides the same level of protection for all building users and no impacts have been identified that would adversely affect one group more than any other.

14.2 Provision has been made to record any tenant vulnerability issues that are known or identified, and therefore taken account of, when gaining access to properties to undertake necessary safety checks. However, ensuring we can gain timely access to any property in order to be compliant with this policy and safeguard the wellbeing of the tenant and/or other building occupants, is the Council's primary concern.