

Gas and Heating Policy



Name	Gas and Heating Policy
Owner	Director of Asset Management & Development
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Consultation SMT	N/a
Consultation Residents (if applicable)	N/a
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1.0 Introduction

- 1.1 Bromsgrove District Housing Trust (BDHT) are passionate about providing accessible, safe, and secure housing for communities across Bromsgrove and the surrounding area. BDHT serve their communities and residents as a not-for-profit organisation and so every penny gets put straight back in to improving housing and local facilities.
- 1.2 BDHT is regulated by the Regulator of Social Housing (RSH). The Executive Management Team (EMT) and Board set and oversee corporate strategy, including the approval of all compliance policy principles.
- 1.3 BDHT is responsible for the maintenance and repairs to its homes and other buildings, many of which will contain gas installations and appliances. The Gas (Installation and Use) Regulations 1998 specifically deal with the installation, maintenance and use of gas appliances, fittings and flues in domestic properties and certain commercial premises. The regulations also place a legal duty on landlords to ensure that gas appliances, fittings and flues provided for customers' use are safe.
- 1.4 BDHT is also responsible for maintaining other types of heating systems to ensure that all appliances, fittings, and flues provided for customers' use are safe. These include solid fuel, ground air source heat pump (ASHP), oil fired, solar thermal and other types of heating systems.

2.0 Scope

- 2.1 BDHT must establish a policy which meets the requirements of the Gas Safety (Installation and Use) Regulations 1998. In addition to this, the policy must provide assurance to BDHT that measures are in place to ensure compliance with these regulations and to identify, manage and/or mitigate risks associated with gas fittings, appliances, and flues.
- 2.2 BDHT must ensure compliance with gas safety legislation is formally reported at EMT and Board level, including the details of any non-compliance and planned corrective actions.
- 2.3 The policy is relevant to all BDHT employees, customers, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services.

3.0 Regulatory Standards, Legislation, and Codes of Practice

- 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), formerly the Homes and Communities Agency (HCA), in April 2012.
- 3.2 **Legislation** - the principal legislation applicable to this policy is 'The Gas Safety (Installation and Use) Regulations 1998' (as amended). BDHT has a legal obligation under Part F, Regulation 36 of the legislation (Duties of Landlords) and is the 'Landlord' for the purposes of the legislation.
- 3.3 **Code of Practice** - the principle approved codes of practice applicable to this policy are as follows:
 - 3.3.1 ACoP L56 - 'Safety in the installation and use of gas systems and appliances' (5th edition 2018).

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- 3.3.2 INDG285 - ‘A guide to landlords’ duties: Gas Safety (Installation and Use) Regulations 1998 as amended Approved Code of Practice and guidance” (3rd Edition 2018).
- 3.4 **Sanctions** - BDHT acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and codes of practice and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health & Safety Executive under the Health & Safety at Work Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and via a serious detriment judgement from the Regulator of Social Housing.
- 3.5 **Customers** - BDHT will use the legal remedies available within the terms of the tenancy agreement, lease or license should any tenant refuse access to carry out essential gas safety checks, maintenance, and safety related repair works. Where access is not provided, and the tenant has an external meter BDHT will cap the properties gas supply.

4.0 Additional legislation

- 4.1 This gas and heating safety policy also operates in the context of the following legislation:
- 4.1.1 Health and Safety at Work Act 1974
- 4.1.2 The Management of Health and Safety at Work Regulations 1999
- 4.1.3 The Workplace (Health Safety & Welfare) Regulations 1992
- 4.1.4 Gas Safety (Management) Regulations 1996 (as amended)
- 4.1.5 Building Safety Act 2022
- 4.1.6 The Building Safety Act (Commencement No 3 Transitional Provisions) Regulations 2022
- 4.1.7 Dangerous Substances and Explosive Atmospheres Regulations 2002
- 4.1.8 Pressure Systems Safety Regulations 2016
- 4.1.9 Pipelines Safety Regulations 1996
- 4.1.10 Heat Network (Metering & Billing) Regulations 2014
- 4.1.11 Health and Safety (Safety Signs and Signals) Regulations 1996
- 4.1.12 Provision and Use of Work Equipment Regulations 1998
- 4.1.13 Construction, Design and Management Regulations 2015
- 4.1.14 Landlord and Tenant Act 1985
- 4.1.15 Data Protection Act 2018
- 4.1.16 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013
- 4.1.17 Homes (Fitness for Human Habitation) Act 2018
- 4.1.18 Smoke & Carbon Monoxide Alarm (Amended) Regulations 2022

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5.0 Obligations

5.1 The Gas Safety (Installation and Use) Regulations 1998 impose duties on landlords to protect customers' safety in their homes with respect to gas safety. The main duties as a landlord are set out in Regulation 36 requiring landlords to:

- Ensure gas fittings and flues are maintained in a safe condition.
- Gas appliances should be serviced in accordance with the manufacturer's instructions.
- If these are not available, it is recommended that they are serviced annually unless advised otherwise by a Gas Safe registered engineer.
- Ensure the annual safety check is carried out on each gas appliance and flue within 12 months of the previous safety check.
- Have all installation, maintenance and safety checks carried out by a Gas Safe registered engineer.
- Keep a record of each safety check for at least 2 (two) years.
- Issue a copy of the latest safety check record to existing customers within 28 days of the check being completed, or to any new tenant when they move in.
- Display a copy of the latest safety check record in a common area of a building where the gas appliance serves a communal heating system to multiple homes.

5.2 In addition, landlords must ensure that no gas fitting of a type that would contravene Regulation 30 (e.g., certain gas fires and instantaneous water heaters) is fitted in any room occupied or to be occupied as sleeping accommodation after the Regulations came into force. This includes any room converted into such accommodation after that time.

5.3 These obligations apply to both gas heating and liquid petroleum gas heating systems.

5.4 Other heating types - with regards to all other heating types as set out in 1.4 of this policy, although there is no legal requirement for carrying out safety checks, BDHT will complete an annual safety check for all properties with these heating types, in the same way as they do for properties with gas and LPG. The competent person will require alternative qualifications which are set out in section 11 of this policy.

5.5 In addition, landlords must ensure they carry out maintenance and testing of smoke alarms and carbon monoxide alarms as set out in the 'Smoke & Carbon Monoxide Alarms (Amended) Regulations 2022.

6.0 Statement of Intent

6.1 BDHT acknowledges and accepts its responsibilities under the Gas Safety (Installation and Use) Regulations 1998.

6.2 BDHT will hold accurate inspection dates and inspection records against each property it owns or manages in Aareon QL & C365 Compliance software.

6.3 BDHT will request the gas/heating contractor to visit all properties on an annual basis to carry out the gas and/or heating safety check (other than those properties not on the gas mains network or without a gas supply/live gas appliance). These properties will be subject to section 3.5 of this policy.

6.4 BDHT will ensure that each property requiring a gas/heating safety check and/or service will have a landlords' gas safety record (LGSR) or equivalent, that has a completion date

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- not more than 12 months following the completion date of the previous LGSR (or equivalent) relating to the property or installation date of new installations.
- 6.5 BDHT will ensure that copies of all LGSRs/certification are provided to customers within 28 days of completion or displayed in a common area where necessary upon completion of the service within 28 days of its completion.
 - 6.6 BDHT will undertake a full asset data review to evidence why the assets not currently on the gas safety programme do not need to be included on the programme.
 - 6.7 BDHT will ensure that a gas safety check is undertaken at least two days after a property becomes void. The gas supply will remain live in the void property, unless it is to remain void, a periodic review and a dynamic risk assessment of the situation will be carried out until reoccupation.
 - 6.8 BDHT will cap off gas supplies on new build properties if the property is going to be a long-term void.
 - 6.9 BDHT will ensure that gas safety checks are carried out prior to, or immediately following the commencement of any new tenancy (void or new build properties), mutual exchange and/or transfer and that the tenant receives a copy of the LGSR prior to, or immediately after moving in.
 - 6.10 BDHT will carry out a gas safety check following any new gas appliance installation.
 - 6.11 BDHT will carry out a visual check of tenant owned appliances. This includes a 5-point visual safety check for gas cookers and gas fires where the manufacturers' instructions are available (Location, flueing, ventilation, signs of distress and stable and secure). Where appliances are found to be faulty these will be disconnected, and a warning notice issued.
 - 6.12 BDHT will test hard wired smoke alarms and carbon monoxide alarms as part of the annual gas safety check visit (or at void stage). If the hard-wired alarm cannot be replaced at the time of the gas safety check due to a fault, a battery-operated alarm will be installed as an interim measure with the main alarm being replaced at the next available opportunity.
 - 6.13 BDHT will carry out an annual gas safety check to all properties where the gas supply is inactive (capped) at the request of the tenant. This is to ensure that gas supplies have not been reconnected by the tenant. Section 3.5 of this policy will apply to these properties.
 - 6.14 BDHT will carry out annual assessments of properties where customers have chosen for personal reasons not to use the gas supply in the property. This is to check on the tenant's wellbeing and to assess that the lack of gas heating is not adversely affecting the condition of the property.
 - 6.15 BDHT will ensure that only suitably competent Gas Safe accredited engineers undertake gas or LPG works for the organisation. See section 11 of this policy for the competency required to carry out safety checks for other heating types.
 - 6.16 BDHT will manage any open flue gas appliances found in any rooms that are being used as bedrooms. Where these bedrooms are identified a carbon monoxide alarm will be fitted.
 - 6.17 BDHT will have a robust process in place to gain access should any customer refuse access to carry out essential gas/heating safety related inspection and remediation works.

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- 6.18 BDHT will have a robust process in place to gain access to properties where customer vulnerability issues are known or identified whilst ensuring the organisation can gain timely access to any property to be compliant with this policy and safeguard the wellbeing of the customer.
- 6.19 BDHT will establish and maintain a plan of all continuous improvement activity undertaken with regards to gas/heating safety.
- 6.20 BDHT will ensure that where applicable all solid fuel, chimney stacks, oil fired appliances and flues are inspected and maintained at least annually and that this work is completed by a suitably competent engineer.
- 6.21 BDHT will ensure that all contractors' employee and public liabilities are up to date on an annual basis.
- 6.22 BDHT will ensure contracts/service level agreements are in place with the contractors responsible for delivering the compliance service.
- 6.23 BDHT 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.
- 6.24 BDHT will ensure that all replacements, modifications and installations of gas appliances and heating systems within its properties will comply with all elements of Part J Combustion Appliances and Fuel Storage Systems, of the Building Regulations.

7.0 Compliance Risk Assessment/Inspection Programmes

- 7.1 **Risk assessment** - BDHT will establish and maintain a risk assessment for gas safety management and operations. This risk assessment will set out the organisations' key gas 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 void works (at the start of the contract and reviewed annually thereafter), component replacement works and refurbishment projects. This plan will detail any gas installations that may be affected by the works and detail all necessary gas work required to make safe and reinstate gas installations, including the requirement for a new gas safety check, maintenance service and LGSR.
- 7.3 **Domestic properties** - BDHT will carry out a programme of annual gas/heating safety checks and services to all domestic properties, covering all heating types. This check will include all gas/heating fittings, appliances and flues in the property and will be completed 12 months from the date of the previous LGSR/certification. This safety check is driven from the anniversary date of the most recent LGSR/certification which may have been carried out at the start of a new tenancy or following installation of new gas appliances.
- 7.4 BDHT will continue to operate under the current legislative regime but seek to gain the benefits of the new changes introduced in April 2018 to Part F, Regulation 36 (3) of the Gas (Installation and Use) Regulations 1998 that provides landlords with some flexibility around the anniversary date of LGSRs. The new change allows the landlord to carry out a new gas safety check within 10 months and 1 day of the previous safety check and retain the original 12-month anniversary date of the previous LGSR, providing it does not exceed this 12-month anniversary date.
- 7.5 **Communal Blocks and 'Other' properties** - BDHT will carry out a programme of annual gas safety checks and services to all 'communal blocks and 'other' properties (shops,

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offices, depots, etc.), where it has the legal obligation to do so. These checks will include all gas fittings, appliances and flues in the property and will be completed no longer than 12 months from the date of the previous LGSR/certification or as detailed within manufacturer's instructions. These safety checks and maintenance services will be carried out by a suitably competent engineer in accordance with the manufacturer's instructions. These installations may include catering equipment, boilers serving communal heating systems, combined heat and power systems, pressure vessels and water heating boilers.

- 7.6 BDHT will carry out where applicable a programme of annual safety checks and services to all oil fired and solid fuel systems. This check will include all fittings, appliances and flues in the property and will be completed no longer than 12 months from the date of the previous safety check and service or as detailed within manufacturer's instructions or industry best practice. These safety checks and maintenance services will be carried out by a suitably competent engineer in accordance with the manufacturer's instructions.

8.0 Compliance Follow up Work.

- 8.1 BDHT will ensure there is a robust process in place for the management of any follow-up works required following the completion of a gas/heating safety check.
- 8.2 BDHT will test smoke alarms and CO Detection in all domestic properties as part of the annual gas/heating safety check.

9.0 Record Keeping

- 9.1 BDHT will establish and maintain a core asset register of all properties that have an active or inactive gas supply. This register will also hold data against each property asset of gas or other heating inspection and servicing requirements, where applicable, for all domestic properties, communal blocks, and 'other' property assets.
- 9.2 BDHT will hold accurate inspection dates and inspection records against each property it owns or manages in Aareon QL & C365 Compliance software.
- 9.3 BDHT will ensure the Gas Safe registered engineer records the details of all appliances and other equipment which they are allowed to service are maintained and reviewed regularly.
- 9.4 BDHT will establish and maintain accurate gas safety records and keep these for a period of not less than two years.

10.0 Key Roles and Responsibilities

- 10.1 BDHT Board will have overall governance responsibility for ensuring the Gas Safety and Heating Policy is fully implemented to ensure full compliance with the regulatory standards, legislation, and approved codes of practice. As such the Board will formally approve this policy and review it every three years (or sooner if there is a change in regulation, legislation, or approved codes of practice). Board will receive regular updates on the implementation of the Gas Safety and Heating Policy and gas safety performance along with notification of any non-compliance issue which is identified.
- 10.2 EMT will receive reports in respect of gas safety management performance and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 10.3 The Head of Customer Delivery will be responsible for overseeing the delivery of the agreed gas safety programme. They will also prioritise and implement any works arising from the gas safety inspections.

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- 10.4 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.
- 10.5 The Director of Asset Management & Development has strategic responsibility for the management of all compliance related safety, and will oversee the implementation of this policy, including regular reviews at intervals not greater than every three years for presentation to the board for sign off. The Director of Asset Management & Development will ensure that this policy is saved on the organisations shared drive and distributed to all relevant members of staff. The Director of Asset Management & Development will ensure that this review process takes place before the policy expires.

11.0 Competent Persons

- 11.1 BDHT will ensure that the manager with lead responsibility for operational delivery is appropriately qualified, holding a recognised gas safety management qualification. They should have or be working towards gaining the CORGI Level 4 VRQ in Gas Safety Management (if they are not Gas Safe Registered) and full membership of the Association of Gas Safety Managers (AGSM).
- 11.2 BDHT will ensure that all operatives (internal or employed by external contractors) maintain Gas Safe accreditation for all areas of gas/LPG works that they undertake.
- 11.3 BDHT will ensure that only suitably competent Gas Safe accredited contractors are procured and appointed to undertake works to gas/LPG fittings, appliances, and flues.
- 11.4 BDHT will ensure that where applicable, only suitably competent Oil Firing Technical Association (OFTEC) and/or HETAS accredited contractors are procured and appointed to undertake works to oil fired and solid fuel fittings, appliances, and flues. HETAS is a not-for-profit organisation offering competent person scheme for installers of biomass and solid fuel heating, registration for retailers and chimney sweeps and approval of appliances and fuels.
- 11.5 Other heating types - BDHT will ensure that where applicable, only individuals/organisations with a Micro generation Certification (MCS) are procured and appointed to undertake works on ground air source heat pumps, solar thermal and biomass heating systems.
- 11.6 The operational team with responsibility for delivery will check the relevant qualifications of in-house operatives or employees working for these contractors to ensure that all persons are appropriately qualified and accredited for the work that they are carrying out. These checks will be undertaken on an annual basis and evidenced appropriately.

12.0 Training

- 12.1 This policy and the procedures that support it will be subject to a range of training across BDHT and will involve all relevant stakeholders. The training will be bespoke to the individual stakeholders and refresher training will be provided as appropriate.
- 12.2 Training will include team briefings for those employees who need to have a basic understanding and awareness of gas/heating safety.
- 12.3 On the job training will be provided to those employees who will be responsible for managing the programme of gas/heating safety checks and repair works to gas and other heating fittings, appliances, and flues as part of their daily job.

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- 12.4 Regular toolbox talks will be given to operatives in the form of appropriate gas/heating safety training. BDHT's partner contractors will be expected to do this with their operatives and evidence this to BDHT on request.

13.0 Performance Reporting

- 13.1 Robust key performance indicator (KPI) measures will be established and maintained to ensure BDHT is able to report on performance in relation to gas/heating safety.
- 13.2 KPI measures will be produced and provided at EMT level on a monthly basis and Board level on a quarterly basis. As a minimum, these KPI measures will include reporting on:

Data - the total number of:

- Properties - split by domestic properties, communal blocks, and 'other' properties.
- Properties on the gas/heating servicing programme.
- Properties not on the gas/heating servicing programme.
- Properties with a valid 'in date' LGSR/certification. This is the level of compliance.
- Properties where the LGSR/certification has expired and is 'out of date'. This is the level of non-compliance.
- Properties which are due to be serviced within the next 30 days. This is the early warning system.

Narrative - an explanation of the:

- Current position.
 - Corrective action required.
 - Anticipated impact of corrective action.
 - Progress with completion of follow-up works.
- 13.3 BDHT will carry out independent third-party quality assurance audits of gas/heating safety checks, gas appliance services and gas appliance repair work as required by the BDHT gas safety compliance risk assessment. External auditors will complete both post inspections and in progress inspections each month for each engineer. Contractors will be asked to supply evidence of their own post and in progress results. 10% of new installations will be audited and 10% of new builds.

14.0 Non-Compliance/Escalation Process

- 14.1 Any non-compliance issue identified at an operational level will be formally reported to the Director of Asset Management & Development in the first instance.
- 14.2 The Director of Asset Management & Development will agree an appropriate course of corrective action with the operational team to address the non-compliance issue and report details of the same to the Chief Executive and EMT.
- 14.3 EMT will ensure the Board is made aware of any non-compliance issue so they can consider the implications and take action as appropriate.
- 14.4 In cases of a serious non-compliance issue EMT and Board will consider whether it is necessary to disclose the issue to the Regulator of Social Housing in the spirit of co-regulation as part of the Regulatory Framework.

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15.0 Glossary

15.1 This glossary defines the key terms used throughout this gas and heating policy:

15.1.1 **Gas Safe Register:** the official list of gas engineers who are qualified to work legally on gas appliances.

15.1.2 **LGSR:** Landlords Gas Safety Record - a certificate containing the results of the annual safety check carried out on gas appliances and flues.

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