



ABERDEEN

CITY COUNCIL

Gas Safety Policy

April 2016

ABERDEEN CITY COUNCIL

GAS SAFETY POLICY

Relevant to domestic rented accommodation managed by the Gas and Cyclical Maintenance Team

1.0 INTRODUCTION

Aberdeen City Council is committed to maintaining the Health and Safety of employees, tenants and members of the public. The Council recognises the potential health risks associated with gas used for fuel in Council housing. Potential risks associated with gas as a fuel are significant given the risk of fire/explosion, or from carbon monoxide poisoning due to incomplete combustion arising out of poor or irregular maintenance of appliances and systems.

We will take all reasonable steps to ensure that appropriate management systems are in place to ensure employees and members of the public are not put at risk from the effects of gas or carbon monoxide.

The Gas Safety Installation and Use Regulations places important duties on landlords of all properties to ensure that gas appliances and their flues are maintained in a safe condition, annual safety checks are carried out, and records are kept and issued (or in certain cases displayed) to tenants. These duties are in addition to the more general ones that landlords have under the Health and Safety at Work Act and the Management of Health and Safety at Work Regulations.

1.1 Legal Background

1.1.1 Gas Safety (Installation and Use) Regulations

These regulations, supported by their Approved Code of Practice (ACOP), stipulate exactly how gas safety will be achieved. The fundamental requirements are:

- Installations, appliances and their flues shall be installed in such a way that they will be safe to use, and installations, appliances and their flues shall be maintained in a safe condition so as to prevent risk of injury to any person (in lawful occupation). This also applies to employers or self-employed persons in respect of places of work under their control.
- Appliances and flues relevant to those appliances in premises which are let shall be checked for safety at intervals of no more than 12 months. A certificate (referred to as the Landlord's Gas Safety Record), confirming the findings must be given to the tenant or responsible occupier.
- Landlords shall ensure that the work undertaken on their behalf is done by a member or an employee of the Health and Safety Executive's (HSE) "Approved Class of Persons".

It is very important to note the use of the terms “shall” and “shall ensure”. They make the duty absolute. It does not consider cost, technical issues, or any other considerations; it must be done. The efforts that the Council make in this pursuit cannot absolve it from the duty, but if called to account, may (where qualified by the regulations) be used as evidence in mitigation.

In common law, the Council also has a general duty of care in respect of its tenants, service users, and any purchasers of our properties. To this end the Council will have in place management systems and practices to adequately address all foreseeable risks. Management in accordance with the Gas Safety (Installation and Use) Regulations is demonstrable evidence of such.

Regulation 36 – Duties of Landlords

Regulation 36 places important duties on most landlords of domestic property to ensure that gas appliances and flues are maintained in a safe condition. Annual safety checks are carried out and records kept and issued (or in certain cases displayed) to tenants.

To summarise Regulation 36

The Gas Safety (Installation and Use) Regulations; Regulation 36, places 3 duties upon a landlord, those being:

- 1) To maintain all gas appliances, flues, and gas installations; (appliances that the tenant cannot legally remove); and
- 2) To undertake an annual safety check of gas appliances and flues, and produce documents to support.
- 3) To ensure that work underway is only performed by businesses and persons registered to the approved body of the HSE.

All properties to which the duty extends have been included in the annual servicing and maintenance contract. The contract is so detailed that appliances owned by the Council shall be serviced and checked for gas safety at intervals of no more than 12 months from the previously recorded Gas Safety check/service date. The programming of this safety check will be undertaken at 9 months. This is to ensure all properties are checked within the statutory 12 months.

1.1.2 Tenants Own Appliances

Aberdeen City Council, Gas and Cyclical Maintenance Team will service and check the safety of all appliances and flues that the tenant cannot legally remove: this also includes Council purpose provided gas and installation pipework. In respect of tenant’s own appliances the Council accepts its liabilities to the flues of the properties that a tenant’s own appliances are connected to. In recognition of those liabilities the Council will undertake a gas safety check on all appliances in tenanted properties which are connected to Council property flues.

In instances where the gas appliance is deemed to belong to a party other than Aberdeen City Council then the flue will be checked for safety and the appliance to which that flue is

connected will also be checked if the manufacturer's instructions are available at that time. If the manufacturer's instructions are not available the engineer will check the physical condition of the appliance and associated equipment.

As a minimum the safety check will include, but not be limited to, those checks detailed in the Gas Safety (Installation and Use) Regulations, Regulation 26 (9). In respect of appliances not connected to flues owned by the Council, a visual inspection for safe use will be undertaken.

Regulation 26 (9)

Where a person performs work on a gas appliance, he/she shall immediately thereafter examine:

- a) *the effectiveness of any flue;*
- b) *the supply of combustion air;*
- c) *its operating pressure/heat input, or where necessary both;*
- d) *its operation so as to ensure its safe functioning.*

And forthwith to take all reasonably practicable steps to notify any defect to the responsible person, and where different, the owner of the premises in which the appliance or flue is installed, or where neither is reasonable practicable, the supplier of gas to the appliance.

1.1.3 Health and Safety at Work etc. Act 1974

There are two sections of the Health and Safety at Work etc. Act 1974 relevant to this context:

Section 2 (1)

"It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety, and welfare at work of all his employees".

This is supported by specific reference to maintaining the workplace in a condition such that it is safe, and does not put employees at risk.

Section 3 (1)

"It shall be the duty of every employer to conduct his undertaking in such a way so as to ensure, so far as reasonably practicable, that person not in his employment who may be affected thereby, are not thereby exposed to risks to their health or safety".

This can be interpreted to mean, Aberdeen City Council, Gas and Cyclical Maintenance Team shall (so far as is reasonably practicable) ensure its domestic housing properties (its business activity) does not cause harm to its tenants (non-employees).

1.1.4 The Management of Health and Safety at Work Regulations

In general terms:

- Assess the risk of Health and Safety of all employees and to anyone who may be affected as a result of work undertaken.
- Endeavour to provide comprehensive information, instruction, training and supervision with the aim of ensuring, so far as is reasonable practicable, the health and safety at work of every employee or person so affected.
- Risk assess all work activities.

2.0 PURPOSE OF THIS DOCUMENT

The purpose of this document is to demonstrate our commitment to ensuring that our employees, tenants and the general public are not knowingly exposed to any risks that would affect their safety. The documents covered by this Policy will provide guidance and specific instructions for all Aberdeen City Council, Gas and Cyclical Maintenance Team employees and external contractors, whilst undertaking gas contracts in our domestic housing properties. The aim of this is to satisfy the legal duties of the current Gas Safety (Installation and Use) Regulations. The work as detailed within the specification may also include other aspects which will assist in satisfying out duty of care to our tenants.

3.0 SCOPE

This policy applies to all Aberdeen City Council domestic housing properties and all work undertaken in these properties on our behalf.

This policy will apply to all Council employees and contractors undertaking gas work to the domestic housing properties on the Council's behalf and anyone likely to be put at risk from work on those properties.

Key responsibilities are as noted on the Management Responsibility Matrix on pages 9 & 10 of this document.

4.0 Gas Safety Management Systems (Procedures)

The requirements for a robust Gas Safety Management system and Maintenance system are clearly defined in Gas Safety (Installation and Use) Regulations, the Management of Health and Safety at Work Regulations together with the Health and Safety at Work Act and other regulations made under this Act.

To safely manage these and other regulations we will ensure the following procedures are adopted and are continuously reviewed and amended as required.

4.1 Corporate Gas Safety Policy

This document covers:

A statement from the Chief Executive to confirm the Council's commitment to Gas Safety in its domestic housing properties, and also to demonstrate Aberdeen City Council's commitment in ensuring its employees, tenants and the general public are not knowingly exposed to any risks that would affect their safety.

4.2 Specific Contractor Instruction

Provide guidance and specific instructions for all of our employees and external contractors whilst undertaking gas contracts in our domestic housing properties. This is with the aim of satisfying the legal duties of the current Gas Safety (Installation and Use) Regulations. The work detailed within the specification may also include other aspects that will assist us in satisfying our duty of care to our tenants.

4.3 Procedure for Qualifying Contractors and Operatives

This procedure covers:

The duties placed on Aberdeen City Council by the Gas Safety (Installation and Use) Regulations determine that we must ensure that all of our employees or contractors we intend to use are suitable Gas Safe registered and competent for the categories of work they are expected to undertake.

After completion of the evaluation a register of all our employees and contractors employed on the above work will be kept on electronic file prior to work commencing. Copies of current Gas Safe registration, insurance certificates, operative's registration and qualifications, will be kept. Details will be checked regularly and updated annually as detailed in the procedure.

4.4 Uniformity of Documentation

To demonstrate that operatives have carried out the tests and checks required by the relevant Gas Safety (Installation and Use) Regulations, we will have in place uniform documentation and paperwork that will allow positive records to be completed for confirmation and future reference. Where any tests and checks are carried out by an operative, the work records will 'positively record' the information detailed in the procedure, to ensure compliance with the requirements of the Gas Safety (Installation and Use) Regulations Regulation 26 (9), 34 and 36.

4.5 Unsafe Situations Procedure

The purpose of this procedure is to:

Provide guidance for our employees and contractors to follow when dealing with unsafe situations, and clarifies the Council's interpretation of specific aspects within the Industry Unsafe Situations Procedure, as produced by Gas Safe Register.

This procedure will also ensure that we meet Regulations 34 (1) & 2 of the Gas Safety (Installation and Use) Regulations, in ensuring the safety of our tenants in respect of gas escapes or suspected emission of products of combustion (fumes) in domestic housing properties.

4.6 Gas Escapes Procedure

This procedure is to:

Ensure that we meet Regulation 34 (1) & (2) of the Gas Safety (Installation and Use) Regulations in ensuring the safety of our tenants from gas escapes or suspected emission of products of combustion (fumes) in domestic housing properties.

4.7 Procedure for Gaining Access

The purpose of this procedure is to:

Provide guidance for all of our employees and all contractors involved in the process to follow; to demonstrate that all reasonable practicable steps to gain access to tenanted properties has been undertaken. This is with the aim of satisfying the legal duties of the current Gas Safety (Installation and Use) Regulations.

Landlords have a duty to maintain all the appliances they own, as well as undertake a safety check and produce a safety record. This is to be undertaken at intervals of no more than 12 months.

The basic steps and who is responsible are detailed below:

Planned appointments – Gas Maintenance Contractor.

Personal visits – Gas and Cyclical Maintenance Team.

Legal Options – Gas and Cyclical Maintenance Team/Legal Section.

We will service and check the safety of all appliances and flues that the tenant cannot legally remove; this also includes the Council purpose provided gas installation pipework. In respect of tenant's own appliances the Council accepts its liabilities to the flues of the properties that tenant's own appliances are connected to. In recognition of those liabilities the Council will undertake a gas safety check on all appliances in tenanted properties which are connected to Council property flues.

4.8 Voids Procedure

This procedure is to be followed by our employees and contractors to ensure that in the case of a tenant vacating a property, gas fittings/appliances are safe before the property is re-let. When a property becomes vacant we will ensure that gas fittings/appliances are safe before the property is re-let or worked in by other trades.

During the void period a full service/safety check and inspection of the installation will be undertaken. Relevant paperwork will be produced and completed and issued to Building Services Section.

4.9 Mutual Exchange Procedure

This procedure is to:

Be used as a guide for our employees and contractors to ensure that in the case of a tenant vacating/exchanging a property that gas fittings/appliances are safe before the property is re-let.

When an application for 'Mutual Exchange' of properties has been approved, Gas Maintenance Contractor will ensure that gas fittings/appliances are safe when the exchange takes place. Mutual exchanges constitute a new tenant and therefore the requirements of the Gas Safety (Installation and Use) Regulations 36 (6b) apply. A copy of the new Landlord's Gas Safety Record will be given to the tenants exchanging occupancy.

4.10 Quality Control Procedure

The purpose of the procedure is to:

Provide us with a systematic approach to Quality Control that is both efficient and effective, and the results clearly demonstrated and documented. We will ensure that we have Quality Control procedures that monitor and record the quality of domestic gas work that is carried out by all gas operatives working within Council domestic premises.

This procedure will also allow us to demonstrate our duty to the Health and Safety at Work Act and the Management of Health and Safety at Work Act. All work carried out on gas systems and appliances by operatives will be subjected to a formal audit on standards of workmanship to ensure the specification of the contract document is being met.

4.11 Procedure for Storage and Retrieval of Landlord's Gas Safety Records

The purpose of this procedure is to:

Provide guidance for Gas and Cyclical Maintenance staff to follow when dealing with gas documentation, especially in the vetting, storage and retrieval of all Landlord Gas Safety Records. It is a legal requirement that these documents be kept for a minimum of 2 years.

5.0 Statements of Intent

5.1 Chief Executive of Aberdeen City Council

The Chief Executive of Aberdeen City Council is committed to the effective operation of the Gas Safety Policy for the domestic housing properties and will ensure that effective procedures are developed to implement the policy within the Council. Committed to ensuring that adequate resources are made available to both develop and implement appropriate procedures, enabling responsibilities to be effectively delegated and key personnel trained. The proper implementation of the Corporate Gas Safety Policy for the domestic housing properties will contribute directly to ensuring the well-being of the tenants of Aberdeen City.

5.2 Director of Communities, Housing and Infrastructure

The Director of Communities, Housing and Infrastructure will be responsible for ensuring the Gas Safety Policy for the Council's domestic housing properties is applied. In addition will be responsible for ensuring the relevant gas management systems and procedures are in place, maintained, monitored and reviewed. Ensure that the Gas Safety Policy for the Council's domestic housing properties and associated procedures are robust and effective and will

regularly confirm that the persons currently in roles of responsibility are able to commit to the statements of intent published below.

5.3 Head of Land and Property Assets

The Head of Land and Property Assets will be responsible for the operational management of the Gas Safety Policy for the Council’s domestic housing properties and for reporting to the Director of Communities, Housing and Infrastructure on all service delivery aspects of the policy.

6.0 Management Responsibility Matrix

Chief Executive
<p>Key responsibilities:</p> <ul style="list-style-type: none"> • Effective operation of the Corporate Gas Safety Policy for domestic rented properties across the Council as a whole. • Adequate resources are made available to both develop and implement appropriate procedures. • Enable responsibilities to be effectively delegated.

Director of Communities, Housing and Infrastructure
<p>Key responsibilities:</p> <ul style="list-style-type: none"> • Interface with others on Corporate Management Team. • Reporting to Chief Executive. • Ensure the Corporate Gas Safety Policy for the Council’s domestic housing properties is applied. • Responsible for ensuring gas management systems and procedures are in place, maintained, monitored and reviewed across the Council’s domestic housing properties.

Head of Land and Property Assets
<p>Key responsibilities:</p> <ul style="list-style-type: none"> • Responsible for the implementation of the policy and to ensure sufficient resources are available. • Reporting to the Director of Communities, Housing and Infrastructure on all service delivery aspects of the Gas Safety Policy for the domestic housing properties.

Gas and Cyclical Maintenance Manager
<p>Key responsibilities:</p> <p>Effective management of:</p> <ul style="list-style-type: none"> • Problematic access. • Legal injunctions. • Actioning identified vulnerability issues. • Mutual exchanges. • Ensuring that the contractor complies with the terms of the contract. • Ensuring that any issues affecting the delivery of the contract are raised with the appropriate persons timeously. • Provision of monthly/quarterly contract performance management reports on the delivery of the service. • Develop effective management information systems, establish, monitor and review performance indicators for gas servicing and repairs.

- Develop and manage effective services, policies, procedures and management systems, which ensure compliance with the Gas Safety Policy.
- Lead Officer in the procurement, management and monitoring of gas contracts.
- Responsible for budget performance monitoring and service delivery improvements.
- Responsible for communication with other parts of the service to ensure that the service's requirements are dealt with.
- Responsible for the maintenance of property lists.

Gas and Cyclical Maintenance Team – Servicing and Maintenance

Key responsibilities:

- Liaison with client service.
- Management of gas related performance and monitoring.
- Gas Safe gas registration.
- Verification of operatives and all contractors engaged in this work.
- Reviewing and updating Gas Safe records on database and filing certificates.
- Internal Quality Control of Services provided ensuring compliance with contract conditions.
- Identifying properties for External Quality Control and taking forward all associated actions under the gas servicing audits.
- To recommend specification/contract changes which can then be considered by the gas contract review group.
- Provide technical advice as required.
- To ensure the integrity of computer records.
- To generate position statements based on computer records.
- Oversee the administration functions of arranging appointments and provision of records.
- Responsible for ensuring property and appliance lists are updated with status/servicing information.

Gas and Cyclical Maintenance Team – New Installations

Key responsibilities:

- Liaison with client service.
- Management of gas installation related performance and monitoring.
- Gas Safe gas registration.
- Verification of operatives and all contractors engaged in this work.
- Reviewing and updating Gas Safe records on database and filing certificates.
- Internal Quality Control of Services provided ensuring compliance with contract conditions.
- Provide technical advice as required.
- To ensure the integrity of computer records.
- To generate position statements based on computer records.
- Oversee the administration functions of arranging appointments and provision of records.
- Responsible for ensuring property and appliance lists are updated with status/servicing information.