

Fyne Homes Ltd

Gas Safety Policy

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APPENDIX 1 (Forced Access Procedure)

Gas Safety Policy

1. Policy Statement

Fyne Homes Ltd, through this policy will ensure that as a Landlord the Association fully complies with our Landlord responsibilities under Regulation 36 of Gas Safety (Installation and Use) Regulations 1998.

2. Policy Objective

In order to meet the above, the following objectives need to be met.

- maintain all gas fittings, appliances (other than those which the tenant is entitled to remove from the premises), pipe work and flues in our properties in a safe condition
- ensure that all installations, maintenance and safety checks are carried out by a Gas Safe registered installer at least once in every 12 month period. To ensure this the Association will work on an annual safety check cycle of 10 months, or 9 months where there have been problems with the tenant allowing access the previous year.
- obtain a current Landlord's Safety Record for each of our properties which has a gas supply OR take steps to obtain access to properties for this purpose
- keep copies of landlords' certificates for two years
- ensure our tenants receive a copy of a current landlord's certificate for their home within 28 days of the check being carried out by arranging for the contractor to leave a copy at the inspection, or by mail if the tenant is not at home to sign acknowledging receipt during the service visit. New tenants will be given a copy of a gas safety check certificate prior to signing their tenancy agreement.

3. Procedures

The Association will have adequate procedures in place to permit the above requirements to be met.

4. Selection of Contractors

The Association's policy on the appointment of technical contractors and our financial regulations will be followed for the selection and appointment of a contractor to run the gas servicing contract each year. However, circumstances may arise where it is appropriate to use an alternative method of selection and appointment. For example, negotiation of the annual contract might be considered in order to achieve value for money. In such cases, a report will be presented to Committee seeking authority to deviate from the normal tendering procedure.

The Technical Services Director will ensure that all companies used by the Association to carry out installation, maintenance and safety checks are Gas Safe registered. The Technical Services Director will ensure that each company signs a declaration that all installation, maintenance and safety checks to Fyne Homes properties will be carried out by operatives who are registered with Gas Safe to carry out the relevant work.

5. Work Records

All work sheets submitted in respect of gas work will be verified by a designated member of staff before being recorded and filed where they can be easily retrieved

Relevant action will be taken to deal with any defects identified by the contractor.

6. Landlords Records

We will ensure that databases are in place and regularly updated, containing details of all properties with gas supplies noting the following details:-

- address
- location, type, make and model of all appliances
- renewal date

7. Quality Control

As well as internal monitoring being carried out by designated technical services staff members doing random checks on a sample of properties in the servicing files every month to assess if a valid certificate is on file and all necessary action taken/no access procedures followed, the Association will carry out external monitoring by employing a suitably qualified external company to carry out, on an annual basis, gas safety audits on a random sample of properties for each gas servicing contract in our areas of operation. Thereafter, liaising with the relative contractors regarding any issues raised in the audits.

8. No Access to Properties

Appropriate steps will be taken to ensure that the Association can either obtain a valid certificate within the required period, or failing that be able to prove that it has taken reasonable steps within reasonable timescales to attempt to gain access. The required steps, as detailed in Appendix 1 (Gas Appliance Annual Servicing & Safety Check – No Access Forced Entry Arrangements), will be clearly detailed and complied with.

9. Unsafe Situation

In the event that an appliance or installation is found to be unsafe the Gas Engineer will address the issue all as per Gas Safe Register working practices. In addition the Gas Engineer will inform the gas servicing contract administrator.

10. Gas Escapes/Carbon Monoxide Detector Activation

Emergency procedure will be in place and displayed so that it is easily available to staff taking reports of gas escapes/suspected gas escapes or carbon monoxide detector activation. The procedure lists safety advice to be given to persons making the report, and also the information that is required to be given to the Gas Emergency Service Centre when reporting the incident to them.

11. Voids & Mutual Exchanges

When a property becomes void or mutual exchange/transfer/voluntary transfer of properties takes place, a gas safety check will be carried out immediately on the change in tenancy, regardless of when the last annual service was undertaken.

12. Equality and Diversity

We believe that every customer, member of staff and Committee member is entitled to be treated with openness, integrity and respect and that discrimination and disadvantage should be eliminated in all aspects of our service delivery management and employment practices.

The Association will at all times carry out its functions with a strict regard to its Equality and Diversity Policy. This means that there will be no discrimination on the grounds of Race, Gender, Gender Reassignment, Disability, Sexual Orientation, Religion or Belief, Age, Marriage or Civil Partnerships, pregnancy and maternity. Further details are available in the Association's Equality and Diversity Policy.

13. References

Gas Safety (Installation & Use) Regulations 1998
Health & Safety at Work Act 1974
Murray Stable Opinion of Counsel for SFHA 2009
SFHA – Template Procedure Gas Servicing 2009
Essential Gas Safety (Domestic) – Corgi Publications seventh edition
Scottish Secure Tenancy Agreement

14. Other Related Policies

Appointment of Contractors
Repairs and Maintenance
Procurement Policy
Void Management Policy
Tenant's Improvements
Equality & Diversity

**GAS APPLIANCE ANNUAL SERVICING & SAFETY CHECK
NO ACCESS & FORCED ENTRY ARRANGEMENTS PROCEDURE**

As a final mechanism to ensure compliance with our statutory obligations, we will consider forcing entry to carry out this work. Every effort will be made to avoid this, through written correspondence and other appropriate methods of communication.

1. Summary of Weekly Stages

Summary of procedure following notification of 2 no access visits from the contractor:-

Week 1

Attempts to contact tenant by phone & text, e-mail; if no response
Housing Officer notified to assist in attempting to contact the tenant
Technical Services officer visits to property
1st chase letter – asking tenant to contact us to arrange access

Week 2

Further attempts to contact by phone
2nd chase letter – advising them to contact us or we will take action to force access
Check that signed SST in place

Week 3

If signed SST in place - 3rd chase letter giving at least 7 days' notice of intention to force access
If no SST in place – pass to solicitors to take court action to gain access

Week 4

Where signed SST in place - force access
Where no SST await Court Order – force access

2. Weekly Stages – Detailed Procedure for steps to be followed when pursuing access for gas appliance annual servicing & safety check

- 2.1 Between each of the actions detailed below, a maximum of 7 days should be allowed.
- 2.2 Action 1 Under the terms of the Gas Safety and Maintenance contract the contractor shall make an appointment with the tenant for gas servicing at least 10 months from the previous servicing date (*or nine months when there has been access problems the previous year). If no access is obtained a second appointment for the following week should be made by the contractor. Should this attempt be unsuccessful, the Association should be notified immediately and given the dates of the two no access visits at least 10½ (*or 9 ½) months from the last servicing date in order that we can pursue access as detailed below:-

On receipt of notification from the contractor that they have been unable to gain access:-

(Week 1)

2.3 Action 2 Fyne Homes “no access process” commences.

No Access Procedure Pro-forma (*Appendix 2*) started to record all action/attempts to contact tenant. Once action is gained and the gas safety certificate is received, the completed pro-forma and copies of all related correspondence are attached to the certificate and filed in the Property servicing file, with the current certificate to the top.

- i. Technical Services Administrator/Technical Services Administration staff will attempt to contact the tenant by phone and or e-mail to arrange an appointment. If no answer to phone call, SMS message will also be sent via IT system CRM module. If no contact made by the following day:-
- ii. 1st chase letter (*Appendix 3*) issued by standard mail asking them to contact technical services department to arrange access for this work.
- iii. Red flag set on IT system against person & location, when first chase letter goes out, noting we are pursuing access for gas servicing. Red flag status removed when access has been gained.
- iv. E-mail sent to housing department requesting information about tenant. i.e. place of work, points of contact/support workers, any relatives, etc. Also to ascertain if there are any extenuating circumstances such as serious health issues which may impair the tenants ability to allow access, to assess any risks which may be present during forced entry, or to ascertain any other circumstances why access has not been provided – such as abandonment, custodial sentences or long term hospital stays.
- v. Inspection line raised and issued to Technical Services officer, to visit the property and attempt to arrange access, leaving card (*Appendix 4*) to contact technical services department if no one at home. All visits to be recorded on the line on the IT system, whether tenants is at home or not. Should they have no response within two visits, the line to be closed – no access. TSO to check with admin staff prior to each visit to check if access has been gained.

(Week 2)

2.4 Action 3 If no response within 7 days from 1st chase letter or initial call/visits, a further 3 attempts will be made by telephone. (one a.m., one pm and one late call, and dates and times noted on no access pro-forma).

2nd chase letter (*Appendix 5*) issued by standard mail and recorded delivery for them to contact technical services department to arrange access for this work, or we will take action to force access under the terms of their tenancy agreement to carry out the work, with them being recharged for any costs incurred in doing so.

- 2.5 **Action 4** Where the intended action is to be taken to force entry, the standard pro-forma (Appendix 6) should be fully completed by Technical Services Administrator/Administration Manager and signed by a member of the Senior Management team of the Association prior to proceeding with arrangements to force entry.

In addition to this clarification should be sought that a Scottish Secure Tenancy (SST) agreement has been signed by the current tenant and a copy obtained from housing officer. Where no SST is present the Gas Administrator will start the process to get a Sheriff's Warrant and no attempt to force entry will be made until this is awarded.

(Week 3)

- 2.6 **Action 5** Following enquiries made in point 2.3 IV above, and with no response action will be taken to make forced entry and carry out the service. At this stage a letter (*Appendix 7*) giving at least 7 days' notice of the Association's intention to force entry will be issued to the tenant. Copies of this letter will be posted normal 1st class and also hand delivered by a Sheriff's officer. These letters will note the Association's intention to gain entry by force if no access is provided on a specified date and time, the consequence and costs associated with non-cooperation and also the tenants' legal obligation under their tenancy agreement with the Association.

(Week 4)

- 2.7 **Action 6** Ensure that Forced Entry Procedure is fully adhered to during the action to force entry and carry out the gas service/safety check. In addition to this, the following actions should be carried out:
- i. The lock changed (if tenant not present and entry has been forced).
 - ii. Notification left pinned to the door (*Appendix 8*) that the locks have been changed and the service/safety check carried out, along with details of what the tenant must do next (contact the office to retrieve the new key's).
 - ii. Minimum 2 representatives of Fyne Homes (inclusive of Gas Engineer) to remain in attendance whilst the gas service is carried out, property vacated and secured.
 - iv. Where there is no gas supply (quantum meter) present at time of forced entry and service, the supply piping from the meter will be disconnected on the Association's side of the meter. The tenant will have to contact us direct to have this supply reinstated and the appliance serviced during the same visit.
- 2.8 **Action 7** When forcing entry a member of Housing Association staff present will photograph any pre-existing damage as well as record what was done in the house and any damage caused by the HA and/or its contractors.
- 2.9 **Action 8** If a tenant makes, then breaks an arrangement for access the HA will move on to the next stage as if no arrangement had been made.