

Housing Revenue Account Electrical Safety Policy



City of
Stoke-on-Trent

Name	Electrical Safety Policy
Owner	Stoke-on-Trent City Council (The Council)
Last Review	September 2023
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Strategic Lead Assistant Director Housing & Community Safety

Sign

Date

18 October 2023

**Operational
Lead**

Director of Uitas

Sign

Date

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1.0 Introduction and Objectives

- 1.1 This policy is written and covers all assets that fall within Stoke-on-Trent City Councils (The Council) Housing Revenue Accounting (HRA). Public Buildings are covered by their own separate policy.
- 1.2 As a landlord, The Council is responsible for repairs and maintenance to its homes, communal blocks, and other properties they own and manage, all of which will contain electrical installations, equipment, and portable appliances.
- 1.3 These obligations are delivered through Unitas Stoke-on-Trent (Unitas), on behalf of the Council and will undertake any servicing, maintenance, and repairs as appropriate.
- 1.4 The key objective of this policy is to ensure The Council, Unitas Board, the Council's Senior Management Team (SMT), Unitas' Senior Leadership Team (SLT), employees, partners, and residents are clear on their legal and regulatory electrical safety obligations. This policy provides the framework that staff and partners will operate within to meet these obligations.
- 1.5 This policy forms part of a wider organisational commitment to driving a health and safety culture amongst staff and contractors (as detailed within the Health and Safety Policy). It will be saved on the shared drive and distributed to all relevant members of staff.

2.0 Scope

- 2.1 This policy is relevant to all employees, residents, contractors, stakeholders, and other persons who may work on, occupy, visit, or use premises owned or managed by The Council, or who may be affected by The Council's activities or services.
- 2.2 The policy should be used by all to ensure they understand the obligations placed upon The Council and Unitas to maintain a safe environment for residents and employees, within the home of each resident, and within all communal areas of buildings and other properties we own and/or manage. Adherence to this policy is mandatory.

3.0 Roles and Responsibilities

- 3.1 The Council has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards. As such, the Council will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).
- 3.2 For assurance that this policy is operating effectively in practice, the Council will receive regular updates on its implementation, electrical safety performance and non-compliance.

- 3.3 The Unitas Board and Senior Leadership Team (SLT) will receive monthly performance reports in respect of electrical safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 3.4 The Council has overall responsibility for the management of electrical safety for its HRA assets, and Unitas has operational management and delivery responsibility for electrical safety.
- 3.5 The Assistant Director of Housing and Community Safety (The Council) has strategic responsibility for the management of electrical safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy. The Director of Unitas has management and operational delivery responsibility.
- 3.6 The Electrical Service Manager (Unitas) has operational responsibility for the management of electrical safety and will be responsible for overseeing the delivery of these programmes.
- 3.7 Housing teams will provide support where gaining access to properties is difficult and will assist and facilitate any legal and controlled access processes, as necessary.

4.0 Legislation, Guidance and Regulatory Standards

4.1 **Legislation** – Principal legislation applicable to this policy is as follows:

- Housing Act 2004
- Landlord and Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
- Electricity at Work Regulations 1989
- Electrical Equipment (Safety) Regulations 2016.

This policy also operates within the context of additional legislation (see Appendix 1).

4.2 **Guidance and codes of practice** – The principal guidance and codes of practice applicable to this policy are:

- INDG236 - Maintaining portable electrical equipment in low-risk environments (as amended 2013).
- IET Wiring Regulations British Standard 7671:2018 as amended (18th edition).
- Code of Practice for the Management of Electrotechnical Care in Social Housing (Electrical Safety Roundtable) January 2019.

- The Code of Practice for In-Service Inspection and Testing of Electrical Equipment (IET) 2020 (5th edition).

4.3 **Regulatory standards** – The Council must ensure that we complies with the Regulator of Social Housing’s regulatory framework and consumer standards for social housing in England; the Safety & Quality Standard is the primary one applicable to this policy. The Social Housing (Regulation) act will change the way social housing is regulated and may result in future changes to this policy.

4.4 **Sanctions** – Failure to discharge responsibilities and obligations properly could lead to sanctions, including prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; prosecution under any of the principal legislation listed in Section 4.1; and via a regulatory notice from the Regulator of Social Housing.

5.0 **Obligations**

5.1 The Housing Act 2004 requires that properties are free from Category 1HHSRS hazards; this includes electrical hazards.

5.2 The Landlord and Tenant Act 1985 and the Homes (Fitness for Human Habitation) Act 2018 place duties on landlords to ensure that electrical installations in rented properties are:

- Safe when a tenancy begins.
- Maintained in a safe condition throughout the tenancy so the property is fit for habitation.

5.3 To comply with these duties, electrical installations are required to be periodically inspected and tested. There is no legal requirement setting out how frequently we must carry out inspections and tests in domestic properties, however the government is consulting on introducing mandatory checks on electrical installations for social housing at least every five years.

5.4 Best practice guidance from the Electrical Safety Council and from BS7671:2018 as amended, recommends that electrical installations are tested at intervals of no longer than five years from the previous inspection. This guidance also states that any deviation from a five-year interval should be at the recommendation of a competent NICEIC qualified (or equivalent) person and should be backed up by sound evidence to support the recommendation.

5.5 All electrical installations should be inspected and tested prior to the commencement of any new tenancies. This means that tests should be carried out whilst properties are void and when mutual exchanges and transfers take place, and a satisfactory Electrical Installation Condition Report (EICR) must be issued to the resident upon moving in.

- 5.6 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.
- 5.7 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.

6.0 Statement of Intent

- 6.1 The Council acknowledges and accepts its responsibilities with regards to electrical safety under the legislation and regulations, as outlined in Section 5.
- 6.2 The Council will ensure that all electrical installations are in a satisfactory condition following the completion of an electrical installation inspection and test and will require the production of a condition report or other certificate which confirms that the installation is safe.
- 6.3 The Council will ensure that a full electrical installation inspection and test is undertaken in the case of a change of occupancy (void properties, mutual exchanges, and transfers), and when completing planned works within domestic properties; this will be evidenced through a satisfactory EICR or other report.
- 6.4 The Council will install, test, and replace (as required) battery/hard-wired smoke and carbon monoxide alarms as part of the annual gas safety check visit and electrical test (or at void stage).
- 6.5 The Council will operate a robust process if there is difficulty gaining access to a property to carry out the electrical safety check or remediation works. The Council will use the legal remedies available within the terms of the tenancy agreement, lease or license, and controlled access for EICRs older than ten years. This is provided the appropriate procedures have been followed, a recommendation is made by the Head of Service and approval given by the Director of Unitas and Assistant Director of Housing and Community Safety (The Council). Where resident vulnerability issues are known or identified, The Council will ensure to safeguard the wellbeing of the resident.
- 6.6 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.
- 6.7 The Council will operate effective contract management arrangements with the contractors responsible for delivering the service, including; ensuring contracts/service level agreements are in place, conducting client-led performance meetings and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.
- 6.8 The Council will operate measures to identify, manage and/or mitigate risks related to portable electrical appliances in the properties we are responsible for.

- 6.9 The Council will establish and maintain a risk assessment for electrical safety management and operations, setting out key electrical safety risks and appropriate mitigations.
- 6.10 To comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM) a Construction Phase Plan will be in place for all repairs work to void and tenanted properties (at the start of the contract and reviewed annually thereafter), component replacement and refurbishment works.
- 6.11 The Council will ensure there is a robust process in place to investigate and manage all RIDDOR notifications made to the HSE in relation to electrical safety and will take action to address any issues identified and lessons we have learned, to prevent a similar incident occurring again.

7.0 Programmes

- 7.1 The Council will carry out a programme of five yearly electrical installation inspections and tests to all domestic properties, communal blocks, and other properties (unless the competent person recommends an earlier next test date) that fall within the HRA portfolio. This will include the issuing of a new satisfactory EICR.
- 7.2 Where an unsatisfactory certificate is produced due to remedial works required, the unsatisfactory certificate along with a minor works certificate demonstrating the relevant works have been undertaken will also be accepted as satisfactory. The date of the inspection and test is driven from the anniversary date of the most recent EICR.
- 7.3 **New builds and rewires** – All new builds, and all properties which have had a rewire, will receive their first electrical installation inspection and test ten years after the date of installation, and every five years thereafter.
- 7.4 **Properties managed by others** – The Council will obtain EICRs where HRA properties are managed by a third party. If the third party does not provide the EICR, The Council will carry out an enforcement procedure, in accordance with our Repairs and Maintenance Policy for Leaseholders, to ensure the third party completes the electrical test and provides a satisfactory EICR.

8.0 Follow-up Work

- 8.1 Unitas will endeavour to repair all Code 1 (C1) and Code 2 (C2) defects and Further Investigations (FIs) identified by an electrical installation inspection and test at the time of the check, to produce a satisfactory EICR. Where this is not possible, we will make the installation safe and return to complete the required remediation works within 28 days where reasonably practicable to ensure a satisfactory EICR is produced.

8.2 Where any C1 and C2 defects have been repaired, they will be recorded either on the satisfactory EICR or a Minor Works Certificate appended to the unsatisfactory EICR deeming the installation satisfactory to provide an audit of the work completed.

8.3 Unitas will review all Code 3 (C3) observations and determine the most appropriate course of action.

9.0 Data and Records

9.1 The Council will maintain a core asset register of all properties it owns or manages, with component/attribute data against each property to show electrical safety testing and inspection requirements.

9.2 The Council will operate a robust process to manage all changes to stock, including property acquisitions and disposals, to ensure that properties are not omitted from the electrical safety programme and the programme remains up to date.

9.3 The Council will maintain accurate records, against each property it owns or manages, of the following:

- Inspection dates;
- EICRs;
- Minor Electrical Works Certificates and Building Regulation Part P notifications associated with remedial works; and
- Electrical Installation Certificates.

9.4 The Council will hold these in its management system.

9.5 The Council will keep all records and data for a minimum of ten years. The Council will keep at least the two most recent EICR records or certificates outlined within section 9.3. Unitas will have robust processes and controls in place to maintain appropriate levels of security for all electrical safety related data.

10.0 Resident Engagement

10.1 The Council consider good communication essential in the effective delivery of electrical safety programmes, and therefore will establish a resident engagement strategy and communication programme to support residents in their understanding of electrical safety.

10.2 This will assist in maximising access to carry out electrical inspections, encourage and support residents to report any concerns about electrical safety, and help to engage with vulnerable and hard to reach residents.

- 10.3 The Council will share information clearly and transparently and will ensure that information is available to residents via regular publications and information on its website.

11.0 Competent Persons

- 11.1 The Electrical Service Manager (Unitas) will demonstrate competence by experience and hold the Level 4 VRQ in Electrical Safety Management or Level 4 VRQ Diploma in Asset and Building Management (or equivalent). If they do not have this already, they will obtain it within 12 months of the approval of this policy.
- 11.2 The Electrical Service Manager (Unitas), who has lead responsibility for operational delivery, will maintain 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.
- 11.3 Only suitably competent NICEIC (or equivalent) electrical contractors and operatives will undertake electrical works on our behalf.
- 11.4 Only suitably competent NICEIC (or equivalent) third party technical auditors will undertake quality assurance checks.
- 11.5 The Council will check that contractors hold the relevant qualifications and accreditations when procured, and thereafter on an annual basis; The Council will evidence these checks and each contractor's certification appropriately.

12.0 Training

- 12.1 The Council will deliver training on this policy and the procedures that support it, through appropriate methods including team briefings; basic electrical safety awareness training; and on the job training for those delivering the electrical safety programme, planned maintenance and repair works as part of their daily job. All training undertaken by staff will be formally recorded.

13.0 Performance Reporting

- 13.1 The Council will report robust key performance indicator (KPI) measures for electrical safety that follow the principles set out in the Tenant Satisfaction Measures (TSMs) which came in to force 01 April 2023. Although electrical safety is not specifically covered by these measures, The Council will adopt the same approach to ensure consistency with other compliance areas and ensure all dwellings at risk are accounted for.
- 13.2 Performance will be reported internally to The Council, Unitas Board and SLT on a regular basis. Unitas will engage with customers and develop its approach /

systems to report on a regular basis. The position reported will be based on the following criteria:

Electrical Safety Checks: Proportion of homes for which all required electrical safety checks have been carried out.

The reported percentage will include all units which require electrical safety checks within a property as well as those served by communal equipment. This ensures that all individual dwellings that may be at risk because of any non-compliance are identified, including those within a communal block that share an electrical source. The completion of remedial works is not included.

13.3 The Council will also report the following:

Data – the total number of:

- Properties – split by category (domestic, communal, commercial/others);
- Properties on the electrical inspection and testing programme - split by category (domestic, communal, commercial/others);
- Properties not on the electrical inspection and testing programme;
- Properties with a satisfactory and in date EICR;
- Properties without a satisfactory and in date EICR;
- Properties due to be inspected and tested within the next 30 days; and
- Overdue follow-up works/actions arising from the inspection programme.

Narrative - an explanation of the:

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

In addition:

- The number of RIDDOR notifications to the HSE with regards to electrical safety.

13.4 The full detail of performance measures for Electrical Safety will be outlined in a KPI Definition Document which includes the relevant data sources used for each calculation, the calculation methodology, any exclusions, and the accountable roles for producing and managing the KPIs.

14.0 Quality Assurance

14.1 The Council will ensure there is programme of third-party quality assurance audits of electrical safety checks. This will be:

- 20 per cent of all new installations.
 - Five per cent sample of field checks.
 - Five per cent of all certificates
- 14.2 Internally Unitas will undertake a minimum 10 per cent sample check of contractor's EICRs and other records and certificates outlined in 9.3.
- 14.3 The Council will carry out an independent audit of electrical safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify non-compliance issues for correction.

15.0 Significant Non-Compliance and Escalation

- 15.1 The Council's definition of significant non-compliance is any incident which has the potential to result in a potential breach of legislation or regulatory standard, or which causes a risk to health or safety. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident was identified, or of a Council or Unitas employee or agent becoming aware of it.
- 15.2 Any non-compliance issue identified at an operational level will be formally reported to the Electrical Service Manager (Unitas) in the first instance, who will agree an appropriate course of corrective action with the Head of Asset Management and Investment (Unitas) and report details of the same to the SLT.
- 15.3 In cases of serious non-compliance, The Council will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive.

16.0 Glossary

- 16.1 This glossary defines key terms used throughout this policy:
- **EICR:** Electrical Installation Condition Report - a formal document that is produced following an assessment of the electrical installation within a property (domestic or communal). It must be carried out by an experienced qualified electrician or approved contractor.
 - **NICEIC:** National Inspection Council for Electrical Installation Contracting – an organisation which regulates the training and work of electrical contractors in the UK. The NICEIC is one of several providers given Government approval to offer Competent Person Schemes to oversee electrical work within the electrical industry.

Appendix 1 - Additional Legislation

This policy also operates within the context of the following legislation:

- The Defective Premises Act 1972
- Health and Safety at Work Act 1974
- The Occupiers' Liability Act 1984
- Workplace (Health Safety and Welfare) Regulations 1992
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Provision and Use of Work Equipment Regulations 1998
- Management of Health and Safety at Work Regulations 1999
- Regulatory Reform (Fire Safety) Order 2005
- Corporate Manslaughter and Homicide Act 2007
- Building Regulations 2010 (England and Wales) - Part P
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Construction, Design and Management Regulations 2015
- Data Protection Act 2018
- Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022