

# Gas and Heating Policy



**NORTHAMPTONSHIRE  
PARTNERSHIP HOMES**

<b>Name</b>	Gas and Heating Policy
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**Strategic Lead** \_\_\_\_\_

**Sign** \_\_\_\_\_

**Date** \_\_\_\_\_

**Chair of Board** \_\_\_\_\_

**Sign** \_\_\_\_\_

**Date** \_\_\_\_\_

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## 1.0 Introduction and Objectives

- 1.1 NPH is an arm's length management organisation for West Northamptonshire Council (WNC) and NPH has delegated authority to delivery compliance and building safety activities on behalf of WNC.
- 1.2 NPH is responsible for maintenance and repairs to homes, communal blocks, and other properties we manage. The property owned by WNC and the other properties NPH manage. These properties contain gas installations both domestic and communal.
- 1.3 We are also responsible for maintaining other types of heating systems to ensure that all heating appliances provided for tenants are safe. These includes air source heat pumps/ oil fired appliances/ liquid petroleum gas (LPG)/ electrical heating systems.
- 1.4 The key objective of this policy is to ensure our Board, Executive Management Team, employees, partners and tenants are clear on our legal and regulatory gas/heating safety obligations. This policy provides the framework our staff and partners will operate within to meet these obligations.
- 1.5 This policy forms part of our wider organisational commitment to driving a health and safety culture amongst staff and contractors (as detailed within our Health and Safety Policy). It will be saved on our shared drive and distributed to all relevant members of staff.

## 2.0 Scope

- 2.1 This policy applies to the following property types:
  - Domestic properties (houses, flats, bungalows, and so on).
  - Communal blocks.
  - Sheltered / independent living schemes.
- 2.2 This policy is relevant to all our employees, tenants, contractors, stakeholders and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services. Adherence to this policy is mandatory.

## 3.0 Roles and Responsibilities

- 3.1 The WNC Cabinet has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards. As such, the WNC Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).

- 3.2 The Executive Management Team (EMT) will receive monthly performance reports in respect of gas and heating safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 3.3 The Director of Property and Deputy CEO has strategic responsibility for the management of gas and heating safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 3.4 The Head of Compliance has operational responsibility for the management of gas and heating safety and will be responsible for overseeing the delivery of these programmes.
- 3.5 Housing teams will provide support where gaining access to properties is difficult and will assist and facilitate any legal processes as necessary. The support provided will be in line with our Gain Access policy. Additionally, where there is a risk to life e.g. a suspected gas leak, we will gain entry without a court order, as a safety precaution.
- 3.6 Under the requirements of the Social Housing (Regulation) Act 2023 we will endeavour to formally appoint a Health and Safety Lead.

#### **4.0 Legislation, Guidance and Regulatory Standards**

4.1 **Legislation** - The principal legislation applicable to this policy is:

- The Gas Safety (Installation and Use) Regulations 1998 as amended (hereafter referred to as the Gas Safety Regulations). We have a legal obligation under Part F, Regulation 36 of the legislation (Duties of Landlords) and we are the 'Landlord' for the purposes of the legislation.
- Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022.
- This policy also operates within the context of additional legislation (see Appendix 1).

4.2 **Approved Code of Practice (ACoP)** - The ACoP applicable to this policy is:

- ACoP L56 - 'Safety in the installation and use of gas systems and appliances' (5th edition 2018).

4.3 **Guidance** – The principal guidance applicable to this policy is:

- INDG285 - 'A guide to landlords' duties: Gas Safety (Installation and Use) Regulations 1998 as amended Approved Code of Practice and guidance (3<sup>rd</sup> Edition 2018).

4.4 **Regulatory standards** – We must ensure we comply with the Regulator of Social Housing's regulatory framework and consumer standards for social housing in England; the Safety and Quality Standard is the primary one applicable to this policy.

The Social Housing (Regulation) Act 2023 changes the way social housing is regulated and may result in future changes to this policy.

- 4.5 **Sanctions** – Failure to discharge our 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 the Gas Safety Regulations; and via a regulatory judgement from the Regulator of Social Housing.

## 5.0 Obligations

- 5.1 The **Gas Safety (Installation and Use) Regulations 1998** impose duties on landlords to protect tenants in their homes. These obligations apply to both gas heating and liquid petroleum gas heating systems. The main landlord duties are set out in Regulation 36 and require 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 two years (until at least two further gas safety checks have been carried out).
- Issue a copy of the latest safety check record to existing tenants within 28 days of the check being completed, or prior to any new tenant moving 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.
- Ensure that no gas fitting of a type that would contravene Regulation 30 (for example, 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.

- 5.2 The **Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022**, came into effect on 1 October 2022, require landlords to:

- Install smoke alarm on every storey with living accommodation.
- Install carbon monoxide alarms in any rooms used as living accommodation with a fixed combustion appliance (excluding gas cookers).
- Repair or replace faulty alarms as soon as reasonably practicable.

- 5.3 For **other heating types** (as set out in Section 2.1), although there is no legal requirement to do so, we will carry out periodic safety checks to these properties as detailed in Section 7.

## **6.0 Statement of Intent**

- 6.1 We acknowledge and accept our responsibilities under the Gas Safety Regulations, Smoke and Carbon Monoxide Alarm (Amendment) Regulations, and other duties outlined in Section 4 and Section 5.
- 6.2 We will carry out an annual gas safety check to all properties with a gas supply, irrespective of whether the gas is connected or not.
- 6.3 We will ensure that copies of all landlord's gas safety records (LGSRs)/certificates are provided to tenants or displayed in a common area within 28 days of completion.
- 6.4 Any open flue gas appliances found in any rooms that are being used as bedrooms or for sleeping will be removed.
- 6.5 We will cap off gas supplies to all properties when the property becomes void, and a new tenant is not moving in immediately after. This will be completed within 24 hours.
- 6.6 We will cap off gas supplies to all new build properties at handover from the contractor/developer to us if the new tenancy is not commencing immediately at the point of handover.
- 6.7 We will ensure that gas safety checks are carried out within 48 hours of the commencement of a new tenancy (void or new build properties), mutual exchange and/or transfer, and that the tenant receives a copy of the LGSR at the time of moving in.
- 6.8 We will ensure a gas safety check is carried out following our installation of any new gas appliance and obtain a gas safety certificate to confirm the necessary checks have been completed.
- 6.9 We will carry out a five-point visual check of tenant owned appliances, provided that the tenant is able to provide evidence that the appliance has been installed by a Gas Safe engineer. If the tenant is unable to provide this evidence, then the appliance will be capped off until such time it can be evidenced as being safe.
- 6.10 A safety check will be carried out on completion of any repair and/or refurbishment works to occupied or void properties where works may have affected any gas fittings, appliances or flues.
- 6.11 We will install, test and replace (as required) battery operated and/or hard-wired smoke alarms and carbon monoxide detectors as part of the annual gas safety check (or at void stage).

- 6.12 We will carry out an annual gas safety check to all properties where the gas supply has been capped at the request of the tenant, to ensure the supply has not been reconnected by the tenant. At the same time, the Housing Management Team will check on the tenant's wellbeing and assess whether or not the lack of gas heating is adversely affecting the condition of the property. In addition, we will communicate frequently with these tenants to ensure the property remains capped and inform the tenant of what is required to reinstate gas at the property.
- 6.13 We will endeavour to check properties that are not currently connected to the gas mains network but has a gas appliance present to ensure a gas supply has not been connected without our knowledge.
- 6.14 We will ensure that there is a robust process in place for the management of immediately dangerous situations identified from the gas/heating safety check.
- 6.15 We will operate a robust process if there is difficulty gaining access to a property to carry out the gas/heating safety check or remediation works. We will use the legal remedies available within the terms of the tenancy agreement or lease, provided the appropriate procedures have been followed and approval given by a Head of Service (or more senior role). Where tenant vulnerability issues are known or identified, we will ensure we safeguard the wellbeing of the tenant.
- 6.16 We 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.
- 6.17 We will ensure that all replacements, modifications and installations of gas appliances and heating systems within our properties will comply with all elements of Building Regulations, Part J Combustion Appliances and Fuel Storage Systems.
- 6.18 We will establish and maintain a risk assessment for gas safety management and operations, setting out our key gas safety risks and appropriate mitigations.
- 6.19 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.
- 6.20 To comply with the requirements of the Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002, we will consider the safety of our workspaces and plant/boiler rooms of our residential blocks that fall within scope of the legislation.

## 7.0 Programmes

- 7.1 **Domestic properties** – We will carry out a programme of annual gas safety checks to all domestic properties we own and manage; the check will be completed within 12 months from the date of the previous LGSR/certificate.
- 7.2 We will introduce the ‘MOT’ approach to gas safety checks within the lifecycle of this policy. This approach, under Part F, Regulation 36 (3) of the Gas Safety Regulations, allows a gas safety check to take place within ten months and one day of the previous safety check and retain the original 12-month anniversary date of the previous LGSR.
- 7.3 We will carry out a safety check of electrical heating systems every five years during the periodic electrical inspection and testing programme.
- 7.4 We will carry out an annual safety check to properties with, air source heat pumps/ oil/ liquid petroleum gas (LPG).
- 7.5 **Communal blocks and other properties** – We will carry out a programme of annual gas safety checks and services to all communal blocks and other properties (supported schemes/offices etc.), where we have the legal obligation to do so; these will be completed within 12 months from the date of the previous LGSR/certificate.
- 7.6 **Properties managed by others** – We will obtain LGSRs/gas safety certificates where our properties are managed by a third party. If the third party does not provide the LGSR/certificate, we will establish a process (within the life cycle of this policy) to ensure the LGSR is carried out and that we obtain a certificate.
- 7.7 We 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 (where the work cannot be completed at the time of the check).

## 8.0 Data and Records

- 8.1 We will maintain a core asset register of all properties we own and/or manage, with component/attribute data against each property to show gas/heating safety check requirements.
- 8.2 We will operate a robust process to manage all changes to stock, including property acquisitions and disposals, to ensure that properties are not omitted from gas/heating safety programmes and the programme remains up to date.
- 8.3 We will hold gas/heating safety check dates and safety check records against each property we own or manage. We will hold the dates of the safety checks in Open Housing and safety check records in Civica.

- 8.4 We will ensure the Gas Safe registered engineer records the details of all appliances and other equipment which is served by the gas/heating supply in every domestic property, communal block or other property.
- 8.5 We will keep all completed safety check records, warning notices and remedial work records for at least two years or the duration that we own and manage the property and will have robust processes and controls in place to maintain appropriate levels of security for all gas/heating safety related data and records.

## **9.0 Tenant Engagement**

- 9.1 We consider good communication essential in the effective delivery of gas and heating safety programmes, therefore we will endeavor to establish a resident engagement strategy and communication programme to support tenants in their understanding of gas and heating safety. We will also formally establish a Building Safety Group and Asset management group within the lifecycle of this policy.
- 9.2 This will assist us in maximising access to carry out gas safety checks, encourage and support tenants to report any concerns about gas and heating safety, and help us engage with vulnerable and hard to reach tenants.
- 9.3 We will endeavour to share information clearly and transparently and will ensure that information is available to tenants via regular publications and information on our website.

## **10.0 Competent Persons**

- 10.1 The Head of Compliance will hold the Level 4 VRQ in Gas Safety Management or Level 4 VRQ Diploma in Asset and Building Management (if they are not Gas Safe Registered), and full membership of the Association of Gas Safety Managers (AGSM). If they do not have these already, they will obtain them within 12 months of the approval of this policy.
- 10.2 All operatives/engineers (internal or external) will maintain Gas Safe accreditation for all areas of gas/LPG works that they undertake and will be members of the Nationally Accredited Certification Scheme for Individual Gas Fitting Operatives (ACS).
- 10.3 Only suitably competent Gas Safe accredited contractors will undertake works to gas/LPG fittings, appliances and flues.
- 10.4 Only suitably competent Oil Firing Technical Association (OFTEC) and/or HETAS accredited contractors will undertake works to oil fired and solid fuel fittings, appliances and flues.
- 10.5 Only individuals/organisations with a Microgeneration Certification Scheme accreditation (MCS) will undertake works on air source heat pumps.

- 10.6 Only suitably competent NICEIC (or equivalent) electrical contractors and operatives will undertake servicing and repairs to electrical heating systems.
- 10.7 Only suitably competent Gas Safe registered and NICEIC (or equivalent) third party technical auditors will undertake quality assurance checks.
- 10.8 We will check our contractors hold the relevant qualifications and accreditations when we procure them, and thereafter on an annual basis; we will evidence these checks and each contractor's certification appropriately.

## 11.0 Training

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

## 12.0 Performance Reporting

- 12.1 We will report key performance indicator (KPI) measures for gas/heating safety that follow the requirements set out in the Tenant Satisfaction Measures (TSMs) which came into force on 1 April 2023 and must be reported to the RSH on an annual basis.
- 12.2 We will report performance on KPIs to the Regulator as required.
- 12.3 We will report the following gas safety performance:

Report recipient	Frequency
Regulator of Social Housing (KPIs)	Monthly
Regulator of Social Housing (TSMs)	Annual
Executive Management Team	Monthly
Board	Quarterly
Tenants	TBC

- 12.4 We will also report the following:

### Data – the total number of:

- Properties split by category (domestic, communal, commercial/others).
- Properties on programme split by category.
- Properties not on programme.
- Properties with a valid and in date LGSR/certificate.
- Properties without a valid and in date record LGSR/certificate.

- Properties due to be serviced within the next 30 days.
- Follow-up actions arising from the programme (in time and overdue, by priority).

**Narrative - an explanation of the:**

- Current position.
- Corrective action required.
- Progress with completion of follow-up works.

**In addition:**

- The number of RIDDOR notifications to the HSE about gas/heating safety.

**13.0 Quality Assurance**

13.1 We will ensure there is an annual programme of third-party quality assurance audits of gas/heating safety checks, gas appliance services and gas appliance repair works. This will be:

- 100 per cent of all new installations.
- Five per cent sample of field checks.
- Five per cent of all certificates.

13.2 Internally we will undertake 100 per cent desktop audits of all LGSRs/certificates using the nine-point check.

13.3 We will carry out an independent audit of gas/heating 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.

**14.0 Significant Non-Compliance and Escalation**

14.1 Our 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, and which needs to be managed as an exception to routine processes and procedures.

14.2 All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred, or of an NPH employee becoming aware of it.

14.3 Any non-compliance issue identified at an operational level will be formally reported to the Head of Compliance in the first instance, who will agree an appropriate course of corrective action with the Director of Property and Deputy CEO and report details of the same to the EMT and WNC.

- 14.4 In cases of serious non-compliance, WNC and Board 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.
- 14.5 We will ensure there is a robust process in place to investigate and manage all RIDDOR notifications submitted to the HSE in relation to gas and heating safety and will take action to address any issues identified and lessons we have learned, to prevent a similar incident occurring again.

## 15.0 Glossary

15.1 This glossary defines key terms used throughout this policy:

- **Gas Safe Register:** the official list of gas engineers who are qualified to work legally on gas appliances.
- **LGSR:** Landlord's Gas Safety Record – a certificate containing the results of the annual safety check carried out on gas appliances and flues.

## Appendix 1 - Additional Legislation

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

- Defective Premises Act 1972
- Health and Safety at Work Act 1974
- Landlord and Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- The Occupiers' Liability Act 1984
- Workplace (Health, Safety and Welfare) Regulations 1992
- Pipelines Safety Regulations 1996
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Gas Safety (Management) Regulations 1996 (as amended)
- Provision and Use of Work Equipment Regulations 1998
- Management of Health and Safety at Work Regulations 1999
- Management of Houses in Multiple Occupation (England) Regulations 2006
- Pressure Equipment (Safety) Regulations 2016
- Pressure Systems Safety Regulations 2000
- Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002
- Housing Act 2004
- Building Regulations 2010 (England and Wales)
- 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
- Social Housing (Regulation) Act 2023