

# Electrical Safety Policy

**Housing Assets**

April 2022

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## **1 Introduction**

- 1.1 In the UK, a large amount of domestic fires are caused by electrical hazards. These can include faulty appliances, poor electrical practices such as daisy chaining and overloading of sockets and DIY activities. The major dangers to health from electrical accidents include shocks, burns, electrical explosion or arcing and fire.
- 1.2 Canterbury City Council (hereafter referred to as CCC) is responsible for the maintenance and repairs to its homes and other buildings, all of which will contain electrical installations and appliances. The Landlord and Tenant Act 1985 and the Housing Act 2004 place duties on landlords to ensure that these electrical installations are safe at the start of any tenancy and are maintained in a safe condition throughout the tenancy.
- 1.3 CCC is also responsible for maintaining electrical installations and equipment in non-domestic (communal blocks) and 'other' properties (offices, commercial shops, depots, etc.) under the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 2016.

## **2 Scope**

- 2.1 CCC has a policy which meets the requirements for electrical safety under the Landlord and Tenant Act 1985, the Housing Act 2004, the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 2016. In addition to this the policy provides assurance to CCC that measures are in place to ensure compliance with these regulations and to identify, manage and/or mitigate risks associated with electrical installations and electrical portable appliances.
- 2.2 CCC will ensure compliance with electrical safety legislation is formally reported to the Director of Corporate Services, Director for People and Place and Director for Strategy and Improvement (these directors make up the Corporate Leadership Team) and Extended Management Team, including the details of any non-compliance and planned corrective actions.
- 2.3 The policy is relevant to all CCC employees, tenants, 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.
- 2.4 It should be used by all to ensure they understand the obligations placed upon CCC to maintain a safe environment for tenants and employees within the homes of each tenant, and within all communal areas of buildings and 'other' properties (owned and managed).
- 2.5 The objective of the policy is to set our strategic direction for how CCC will manage electricity. The detail on how this will be done is set out in the Procedure for Electrical Safety, which is a separate document.

### **3 Legislation, Approved Codes of Practice and Industry Guidance**

- 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).
- 3.2 Legislation - the principal legislation applicable to this policy is the Landlord and Tenant Act 1985; the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 2016. Section 8 of the Landlord and Tenant Act 1985 sets out implied terms as to fitness for human habitation, and Section 11 of the Landlord and Tenant Act 1985 places repairing obligations in short leases. The Electricity at Work Regulations 1989 places duties on employers to ensure that all electrical equipment used within the workplace is safe to use. The Electrical Equipment (Safety) Regulations 2016 requires Landlords to ensure that any appliances provided as part of a tenancy are safe when first supplied. CCC is the 'Landlord' by virtue of the fact that it owns and manages homes and buildings housing tenants/leaseholders through the tenancy, lease and licence agreement obligations it has with the tenants/leaseholders.
- 3.3 Code of Practice – the principal approved codes of practice applicable to this policy are:
- IET Wiring Regulations British Standard 7671: 2018 (18<sup>th</sup> edition)
  - The Code of Practice for In-Service Inspection and Testing of Electrical Equipment (ISITEE) 2012 (4<sup>th</sup> edition)
  - HSE INDG236: 'Maintaining portable electrical equipment in low risk environments' (as amended 2013)
  - Electrical Safety Council: 'Landlords' Guide to Electrical Safety 2009'
  - Code of Practice for the Management of Electrotechnical Care in Social Housing (January 2019)
- 3.4 Sanctions – CCC acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and approved codes of practice and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health and Safety Executive under the Health and Safety at Work etc 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 Tenants and HRA Commercial Stock – CCC will use the legal remedies available within the terms of the tenancy agreement, lease or licence should any tenant or HRA commercial stock leaseholder refuse

access to carry out essential electrical safety checks, maintenance and safety related repair works.

## **4 Obligations**

- 4.1 The Landlord and Tenant Act 1985 places duties on landlords to ensure that electrical installations in rented properties are:
- Safe when a tenancy begins, Section 8 (1a)
  - Maintained in a safe condition throughout the tenancy, Section 11 (1b)
- 4.2 In order to be compliant under these duties electrical installations will be periodically inspected and tested. The intervals between inspections are not absolutely set within any regulations, however, best practice guidance from the Electrical Safety Council and from BS7671:2018 states that electrical installations should be tested at intervals of no longer than 5 years from the previous inspection. Any deviation from these intervals should be at the recommendation of a competent NICEIC qualified (or equivalent) person and should be backed up by sound engineering evidence to support the recommendation.
- 4.3 All electrical installations will be inspected and tested prior to the commencement of any new tenancies (void properties or new builds), mutual exchanges and transfers, and a satisfactory Electrical Installation Condition Report (EICR) will be issued to the tenant prior to them moving in.
- 4.4 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 (Section 16).
- 4.5 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.

## **5 Statement of Intent**

- 5.1 CCC acknowledges and accepts its responsibilities with regard to electrical safety under the Landlord and Tenant Act 1985, the Housing Act 2004, the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 2016.
- 5.2 CCC holds accurate records against each property it owns or manages, identifying when the electrical installation was last inspected and tested.
- 5.3 Inspection and re-inspection dates, along with EICR records, will be

held electronically.

- 5.4 A safety inspection will be undertaken sooner than the stated period if recommended by the competent person.
- 5.5 CCC will ensure that all electrical installations shall be in a satisfactory condition following completion of an electrical installation inspection and test.
- 5.6 CCC will ensure that a full electrical installation inspection retest is undertaken in the case of a change of occupancy (void properties, mutual exchanges and transfers) for all properties. This test will take place on the date at which the new tenancy commences.
- 5.7 CCC will ensure that only suitably competent NICEIC electrical contractors and engineers (or equivalent) undertake electrical works for the organisation.
- 5.8 CCC will carry out electrical installation inspection and tests and issue new satisfactory EICRs when completing planned component replacement works within domestic properties.
- 5.9 CCC or their contractor will test smoke alarms and CO alarms as part of the annual gas safety check visit (or at void stage). These checks will be recorded on the LGSR. If a property has more than one floor then each smoke detector on every floor will be checked. If any CO alarms are installed in a property where heating is provided by any other fuel except gas or electric, then each CO alarm fitted in each room where a combustible appliance is being used will be checked and noted on the LGSR. Should any detector or alarm be found as faulty, it will be replaced like for like immediately before leaving the property. It is the responsibility of the tenant to report any damage or faulty detectors/alarms outside of the annual inspection organised by CCC or their contractor.
- 5.10 CCC has a robust process in place to gain access should any tenant or leaseholder refuse access to carry out essential electrical safety related inspection and remediation works.
- 5.11 CCC has a robust process in place to gain access to properties where tenant vulnerability issues are known or identified, whilst ensuring the organisation can gain timely access to any property in order to be compliant with this policy and safeguard the wellbeing of the tenant.
- 5.12 CCC has a robust process in place to actively communicate with tenants in relation to electrical safety.
- 5.13 CCC has a robust process and controls in place to manage the completion of follow up works identified during inspection and testing of electrical installations.
- 5.14 CCC will ensure that there is a robust process in place for the management of immediately dangerous situations identified from the

electrical safety check.

## **6 Roles and Responsibilities**

- 6.1 Overall responsibility for health and safety and the policy within Canterbury City Council lies with the two Joint Chief Executives.
- 6.2 Responsibility for ensuring this policy is being carried out lies with the Extended Management Team for all areas under their direct control. The Extended Management Team will ensure an appropriate system of communication is in place whereby all significant accidents, incidents, audits, reviews or other documents relating to the management of the organisation are brought to the attention of the Director of Corporate Services at the earliest opportunity.
- 6.3 CCC's Head of Facilities Management as part of the Extended Management Team will have overall governance responsibility for ensuring the Electrical Safety Policy is fully implemented to ensure full compliance with the regulatory standards, legislation and approved codes of practice.
- 6.4 CCC's Head of Facilities Management as part of the Extended Management Team will receive regular updates on the implementation of the Electrical Safety Policy and fire safety performance along with notification of any non-compliance issue which is identified. This is so they have assurance that the policy is operating effectively in practice.
- 6.5 CCC's Head of Facilities Management will ensure that this policy is saved on the organisations' shared drive/site for corporate health and safety and distributed to all relevant members of staff.
- 6.6 CCC's Lead Compliance and Building Safety Manager has strategic responsibility for the management of electrical safety and for ensuring compliance is achieved and maintained. They will also oversee the implementation of the Electrical Safety Policy and review it every three years (or sooner if there is a change in regulation, legislation or codes of practice or for other reasons specified with legislation). They will notify the Head of Facilities Management and relevant operational team(s) responsible for the delivery of the compliance programme, of the upcoming review.
- 6.7 A combined group will be responsible for overseeing the operational delivery of the agreed electrical safety programme, and the prioritisation and implementation of any works arising from the EICRs. This group will include Contract Managers, Compliance Officers, Works Delivery Team Leaders, , Case Officers and Case Team Leaders.
- 6.8 Various departments under the Joint Chief Executives, will provide key support in gaining access into properties where access is proving



difficult, and use standard methods to do so. They will also support in facilitating the legal process to gain access as necessary.

## **7 Additional Legislation, Approved Codes of Practice and Industry Guidance**

- 7.1 This Electrical Safety Policy also operates in the context of the following additional legislation:
  - 7.1.1 Health and Safety at Work etc Act 1974
  - 7.1.2 The Management of Health and Safety at Work Regulations 1999
  - 7.1.3 The Workplace (Health Safety and Welfare) Regulations 1992
  - 7.1.4 Management of Houses in Multiple Occupation (England) Regulations 2006
  - 7.1.5 Housing (Scotland) Act 2006
  - 7.1.6 Regulatory Reform (Fire Safety) Order 2005
  - 7.1.7 The Building Regulations for England and Wales (Part P)
  - 7.1.8 The Housing Act 2004
  - 7.1.9 The Occupiers' Liability Act 1984
  - 7.1.10 Health and Safety (Safety Signs and Signals) Regulations 1996
  - 7.1.11 Provision and Use of Work Equipment Regulations 1998
  - 7.1.12 Construction, Design and Management Regulations 2015
  - 7.1.13 Data Protection Act 2018
  - 7.1.14 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013
  - 7.1.15 Homes (Fitness for Human Habitation) Act 2018

## **8 Approval**

8.1 Signature

8.2 Name Marie Royle

8.3 Position Service Director

8.4 Date Signed 23 April 2025

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