



## **POLICY DOCUMENT**

**Group Member:** Progress Housing Group

**Service Area:** Property Services

**Document Ref No:** GRPOLPS02

**Subject Title:** Electrical Safety Management Policy

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## 1. INTRODUCTION

- 1.1 The Group 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.
- 1.2 The Group 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 OF THE POLICY

- 2.1 The Group has established 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 the Group 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 The Group ensures compliance with electrical safety legislation is formally reported at Senior Leadership Team (SLT) and Board level, including the details of any non-compliance and planned corrective actions.
- 2.3 The policy applies to all companies within the Group and therefore this policy is relevant to all the Group 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 the Group to maintain a safe environment for customers and employees within the home of each customer, and within all communal areas of buildings and 'other' properties (owned and managed by the Group).

## 3. RESPONSIBILITY

### 3.1 Key Roles and Responsibilities

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- 3.1.1 The board 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. As such the Board will formally approve this policy and review it periodically. The policy will be reviewed every three years (or sooner if there is a change in regulation, legislation or codes of practice).
- 3.1.2 The board will receive quarterly updates at board meetings on the implementation of the Electrical Safety Policy and electrical 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.
- 3.1.3 SLT will receive at least quarterly reports in respect of electrical safety management performance and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 3.1.4 **Appointed Duty Holder** – The Director (Property Services) will fulfil the role of appointed ‘Duty Holder’ on behalf of the Group in order to ensure the appropriate management of the risks associated with electrical safety. As a result, the Director (Property Services) will hold responsibility for the implementation of this document, and supporting Electrical Safety Procedure, as well as ensuring compliance is achieved and maintained.
- 3.1.5 Although the organisation has an appointed Duty Holder, the Group’s Chief Executive will be ultimately responsible for ensuring compliance with current legislation and ensuring that the organisation fulfils its duties and responsibilities as outlined in this policy document and the supporting procedures.
- 3.1.6 **Responsible Persons** – The Head of Compliance, and the Compliance Manager (M&E) shall ensure that there are suitable arrangements in place for the delivery of the Electrical Safety programme and the implementation of the Electrical Safety Procedure. This includes the prioritisation and implementation of any works arising from the electrical safety inspections.
- 3.1.7 **Electrical Qualified Supervisor (EQS)**. An EQS is a person subject to acceptance and periodic assessment by NICEIC, and is an employee of the Group who is available on a full-

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time basis. The EQS has day to day responsibility for the safety, technical standard and quality of the electrical work carried out under that person's supervision. An EQS must have had at least two consecutive years' managerial or supervisory responsibility for the technical standard of electrical installation work and satisfies the training and/or experience requirements from time to time prescribed and published by NICEIC. The EQS must be conversant with the Electricity at Work Regulations, BS 7671, associated guidance material as prescribed by NICEIC, appropriate British Standard and other Industry Codes of Practice. This person is well versed in the inspection, testing, verification, certification and reporting procedures for the range of electrical work undertaken by the enterprise; and

3.1.8 The EQS is responsible for:

- Safeguarding unused NICEIC Forms against loss or theft and unauthorised use; and
- Ensuring that results of inspection and testing are properly recorded on the appropriate prescribed forms of certification and reporting, and reviews and confirms the results for acceptability.

3.19 **Electrical Manager** - The Electrical Manager is responsible for:

- Following the Group's Electrical Systems Testing Procedure;
- The operational delivery of and compliance with this policy, staff awareness & training, and communication to customers;
- Overseeing the testing, inspection, preventative maintenance for EICRS issued to the in-house team. Ensuring this testing is carried out by suitably skilled and competent operatives.
- Arranging for remedial works to be carried out following the production of an EICR carried out on a domestic property.

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3.1.20 The housing teams will provide key support in gaining access to properties where access is proving difficult and use standard methods to do so. They will also facilitate the legal process to gain access as necessary.

### 3.2 Competent Persons

3.2.1 The Group will ensure that the Compliance Manager (M&E) with responsibility for management and delivery of the electrical testing programme is appropriately qualified; holding a recognised electrical safety management qualification such as the Level 4 VRQ in Electrical Safety Management (or equivalent). If the competent person does not have appropriate qualifications already these should be obtained as soon as reasonably practicable.

3.2.2 The Group will ensure that the Electrical Manager maintains 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.

3.2.3 The Compliance Manager (M&E) will ensure that all operatives and contractors hold the relevant accreditations (NVQ Level 3 Electrical Installation or equivalent) for the work that they are carrying out. These checks will be undertaken on an annual basis and evidenced appropriately.

## 4. POLICY

### 4.1 Obligations

4.1.1 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 9(1)(a)
- Maintained in a safe condition throughout the tenancy, Section 11 (1)(b)

4.1.2 In order to be compliant under these duties electrical installations are required to be periodically inspected and tested. The intervals between inspections are not fixed in law, however, best practice guidance from the Electrical Safety Council. The current edition of BS7671 states that electrical

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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.

- 4.1.3 All electrical installations should be inspected and tested prior to the commencement of any new tenancies (void properties), mutual exchanges and transfers and a satisfactory Electrical Installation Condition Report (EICR) should be issued to the tenant prior to them moving in.
- 4.1.4 The Electricity at Work Regulations 1989 place 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).
- 4.1.5 The Electrical Equipment (Safety) Regulations 2016 require Landlords to ensure that any electrical appliances provided as part of a tenancy are safe when first supplied and gifted to the tenant. If the appliance is not gifted an annual check will be undertaken as part of the annual portable appliance testing (PAT) programme.

## 4.2 Policy Statement

- 4.2.1 The Group 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.
- 4.2.2 The Group will hold accurate and up to date records against each property it owns or manages, identifying when the electrical installation was last inspected and tested and when re-inspections is due.
- 4.2.3 The Group has opted to deliver a comprehensive programme of testing and inspection to their different property types on a five year cycle.
- 4.2.4 A safety inspection will be undertaken sooner than the stated period if recommended by the Competent Person.

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- 4.2.5 The Group will ensure that all electrical installations shall be in a satisfactory condition following completion of an electrical installation inspection and test.
- 4.2.6 The Group 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 excluding Progress Living accommodation – this is due to the fact that these tenancies are for rooms whose occupants can change on a daily basis. However, all such properties will still be subject to the 5 yearly programmes for periodic inspection and testing and a visual check on change of tenancy.
- 4.2.7 The Group will ensure that only suitably competent NICEIC electrical contractors and engineers (or equivalent) undertake electrical works for the organisation.
- 4.2.8 The Group will carry out electrical installation inspection and tests and issue new satisfactory EICRs when completing planned component replacement works within domestic properties.
- 4.2.9 The Group will test hard-wired smoke alarms as part of the annual gas safety check visit (or at void stage). Any properties not included on the gas safety programme will have the smoke alarms tested on a separate programme.
- 4.2.10 The Group will ensure that all properties have a hard-wired smoke alarm system in accordance with BS5839-6 .. In some cases it may not be possible to install hard-wired detection in which case battery operated detection will be considered
- 4.2.11 The Group will have a process in place to gain legal access should any customer or leaseholder refuse access to carry out essential electrical safety related inspection and remediation works. Following the legal process the inspection will be undertaken by the in-house electrical team
- 4.2.12 The Group will have a process in place to arrange access properties where customer vulnerability issues are known or identified, to ensure the wellbeing of the customer.
- 4.2.13 The Group will ensure that processes and controls are in place to manage the completion of follow up works identified during inspection and testing of electrical installations.

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4.2.14 Where appropriate any compliance risks will be considered, mitigated or removed as part of any major refurbishment works or included in new development design briefs.



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### 4.3 Compliance Risk Assessment/Inspection Programmes

- 4.3.1 **Risk assessment** – The Group will establish and maintain a risk assessment for electrical safety management and operations. This risk assessment will set out the organisations’ key electrical safety risks together with appropriate means of mitigation.
- 4.3.2 **CDM** - to comply with the requirements of the Construction, Design and Management Regulations 2015 (CDM) a Construction Phase Plan will be completed for all relevant works (see Health & Safety Policy).
- 4.3.3 **Domestic properties/supported living/communal blocks and ‘other’ properties** – The Group will carry out a programme of electrical installation inspection and testing to all domestic properties. This inspection and test will be carried out at intervals of no more than 5 years (unless the Competent Person recommends the next test is done sooner than this or properties are new build see 4.2.6) and will include the issuing of a new satisfactory EICR. This inspection and test is driven from the anniversary date of the most recent EICR which may have been carried out at the start of a new tenancy or following planned component replacement works.
- 4.3.4 New build properties and those which have been subject to a rewire will receive their first inspection and test 5 years after the date of installation, and every 5 years thereafter.

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#### 4.4 Compliance Follow up Work

- 4.4.1 The Group will ensure there is a process in place for the management of any follow-up works required following the completion of a periodic inspection and test of an electrical installation.
- 4.4.2 The Group will ensure there is a process in place to collate and store all EICRs and associated records and certification of completed remedial works.
- 4.4.3 The Group will, as a minimum, make safe and/or where possible repair all Code 1 and Code 2 defects identified by a periodic electrical installation inspection and test before leaving site after completing the inspection and testing works. Any further remedial works to Code 2 defects will be completed within 28 working days and an EICR will be issued stating that the installation is in a satisfactory condition. Code 3 type works will be referred back to the Group (mechanical and electrical team) for a decision as to what further works, if any, are required.

#### 4.5 Contract Management

- 4.5.1 Regular contract meetings will be held with all external contractors to review and monitor key performance indicators.
- 4.5.2 On at least an annual basis all qualifications and competencies will be reviewed (in line with those noted in section 3.2) for all areas of work they undertake on our behalf.
- 4.5.3 We will ensure that all external contractors are provided with up to date information relating to all relevant compliance areas.

#### 4.6 Record Keeping

- 4.6.1 The Group will hold accurate and up to date records against each property it owns and/or manages, identifying when the electrical installation was last inspected and tested.
- 4.6.2 Inspection and re-inspection dates, along with EICR records will be held electronically.
- 4.6.3 The Group will establish and maintain accurate and up to date records of all completed EICRs, Minor Electrical Works Certificates (MEW), smoke/heat detector works, installation of emergency lighting and Building Regulation Part P notifications associated with remedial works from these

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reports and Electrical Installation Certificates and keep these as per the organisation's Data Retention Policy.

4.6.4 The Group will hold and maintain accurate and up to date records on the qualifications of all engineers undertaking electrical safety works for the organisation.

4.6.5 The Group will ensure processes and controls are in place to provide and maintain appropriate levels of security for all electrical safety related data.

## 5. REGULATORY STANDARDS, LEGISLATION, AND APPROVED CODES OF PRACTICE

**5.1 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).

**5.2 Legislation** - the principle legislation applicable to this policy is the Landlord and Tenant Act 1985; the Electricity at Work Regulations 1989, the Electrical Equipment (Safety) Regulations 2016 and Smoke and Carbon Monoxide Alarm (amendment) Regulations 2022. Section 9A 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 implies repairing obligations into short leases. The Electricity at Work Regulations 1989 place duties on employers to ensure that all electrical equipment used within the workplace is safe to use. The Electrical Equipment (Safety) Regulations 2016 require Landlords to ensure that any appliances provided as part of a tenancy are safe when first supplied.

5.3 The Group 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.

5.4 **Code of Practice** – the principle approved codes of practice applicable to this policy are:

- The current edition of the IET Wiring Regulations British Standard 7671
- The current edition of The Code of Practice for In-Service Inspection and Testing of Electrical Equipment (ISITEE) 2012 (4th edition)

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- 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 Electro technical Care in Social Housing (January 2019)

5.5 **Sanctions** – The Group 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 & Safety Executive under the Health & Safety at Work Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and via a serious detriment judgement from the Regulator of Social Housing.

5.6 **Tenants** – The Group will use the legal remedies available within the terms of the tenancy agreement, lease or licence should any tenant refuse access to carry out essential electrical safety checks, maintenance and safety related repair works.

5.7 **Additional Legislation** - This Electrical Safety Policy also operates in the context of the following additional legislation:

- Health and Safety at Work Act 1974
- The Management of Health and Safety at Work Regulations 1999
- The Workplace (Health Safety & Welfare) Regulations 1992
- Management of Houses in Multiple Occupation (England) Regulations 2006
- Housing (Scotland) Act 2006
- Regulatory Reform (Fire Safety) Order 2005
- The Building Regulations for England and Wales (Part P)
- Building (Procedures) (Scotland) Regulations 2004 and the Building (Scotland) Act 2003
- The Housing Act 2004
- The Occupiers' Liability Act 1984
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Provision and Use of Work Equipment Regulations 1998

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- Construction, (Design and Management) Regulations 2015
- Data Protection Act 2018
- RIDDOR 2013

5.8 A process is in place to identify changes to regulation and legislation through the Group's compliance reporting framework, any changes relating to this policy will be highlighted and implemented, including a review of policy and procedural documents.

5.9 This policy also has links to other Group policies, including:

- Health and Safety Policy
- Data Archival, Retention and Disposal Policy

## 6. THIRD PARTY LANDLORDS

6.1 The Group currently leases a proportion of its premises from 3rd party landlords whereby the landlord is responsible for compliance with all statutory legislation. As a responsible landlord The Group has a duty of care to tenants in these properties therefore it is essential that we ensure these properties meet appropriate safety standards.

6.2 In order to satisfy ourselves that 3rd party landlords are fulfilling their compliance obligations, the Compliance team will monitor compliance for all these properties to ensure that they meet all relevant statutory obligation. To do this we will make enquiries with 3rd party landlords as statutory inspections reach their anniversary date.

6.3 We will ask the 3<sup>rd</sup> party for copies of certificates to be received within 30 days of the anniversary date of the activity.

6.4 All certificates will be stored on the Compliance Management System (C365Cloud).

6.5 If evidence is not provided in a timely manner and the landlord is therefore unable to comply with their obligations, The Group will collaborate with the 3<sup>rd</sup> party landlord to establish a plan in order that that the property remains compliant. This may result in the Group undertaking the inspection on the 3<sup>rd</sup> party landlord's behalf and recharging the 3<sup>rd</sup> party landlord

6.6 Performance will be reported quarterly within the compliance scorecard and also reported to Board quarterly.

6.7 Where an assessment identifies remedial actions are required we will contact the 3rd party and ask for confirmation that these actions have

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been completed. Email confirmation will be retained as evidence. If confirmation is not provided, this may result in the group undertaking the remedial works on the 3<sup>rd</sup> party landlord's behalf and recharging the 3<sup>rd</sup> party landlord. If the works are not covered by the lease agreement, then the Group will undertake the repairs as part of its obligations.

- 6.8 It is accepted that documents prepared by the superior landlord may not be the same standard as stated in the Group's policy principles. However, as long as assessments or inspections have been carried out by competent persons then it is to be considered that the inspection is suitable.

## 7. IMPLEMENTATION

### 7.1 Training

- 7.1.1 The Group will ensure that all operatives working for, or on behalf of the organisation have the relevant training required for their role.
- 7.1.2 Group staff will undertake periodic assessments of training needs and resulting programmes of internal and/or external training will be implemented via the Health & Safety team.
- 7.1.3 All staff will have an understanding of electrical safety and their roles and responsibilities in ensuring that we maintain full compliance.

### 7.2 Performance Reporting

- 7.2.1 Key performance indicator (KPI) measures will be established and maintained to ensure the Group is able to report on performance in relation to electrical safety.
- 7.2.2 KPI measures will be produced and provided at SLT level on a monthly basis and Board level on a quarterly basis. As a minimum, these KPI measures will include reporting on:

**Data – the total number of:**

- Properties – split by domestic properties, communal blocks and 'other' properties;
- Properties on the electrical inspection and testing programme and also the smoke detection programme
- Properties not on the electrical inspection and testing programme and also the smoke detection programme;

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- Properties with a valid 'in date' EICR; and
- Properties where the EICR has expired and is 'out of date'.
- Properties with a valid 'in date' smoke detector
- Properties where a smoke detector has expired and is 'out of date'

**Narrative - an explanation of the:**

- Current position;
- Corrective action required, if any;
- Anticipated impact of any corrective action; and
- Completion of follow-up/remedial works
- Properties which are due to be inspected and tested within the next 30 days. This is the early warning system.

7.2.3 The Group will carry out 100% desktop audits on the documentation produced by the external contractor delivering the inspection and testing programme. The in-house electrical team will also have certification checked by the Electrically Qualified Supervisor (EQS) In-house electrically qualified staff will also undertake monthly work in progress/post inspections (10%) and/or require external contractors do the same and evidence upon request.

7.2.4 The Group will appoint a third party independent auditor to undertake quality assurance audits on a minimum 10% sample of electrical works and supporting documentation annually.

7.2.5 The Group will carry out an independent audit of electrical safety at least once every two years.

7.2.6 This audit will specifically test for compliance with regulation, legislation and codes of practice and identify any non-compliance issues for correction.

7.2.7 The audit will also look at and test processes to ensure that they are being adhered to and are still fit for purpose.

**7.3 Non-Compliance / Escalation Process**

7.3.1 Any non-compliance issue identified at an operational level will be formally reported to the Director (Property Services) in the first instance, as soon as this is identified.

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7.3.2 The Director (Property Services) will agree an appropriate course of corrective action with the Head of Compliance in order to address the non-compliance issue and report details of the same to the Deputy Executive Director (or the Chief Executive in their absence) within 24 hours.

7.3.3 The Deputy Executive Director or Chief Executive will ensure the Board is made aware of any non-compliance issue so they can consider the implications and take action as appropriate, including notification to the Regulator of Social Housing, as necessary.

## 8. CONSULTATION

8.1 Colleagues within the organisation have been consulted on this policy. Previous reviews of this policy have resulted in a series of consultation meetings with the Customer Forum, however the amendments on this review do not require an input from tenants or customers so there is no consultation required for this review.

## 9. REVIEW

9.1 This policy will be reviewed following the Group's standard three yearly timeframe or whenever there is any relative legislative change.

## 10. EQUALITY IMPACT ASSESSMENT

10.1 An EIA has been completed and is in place for this policy.



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## Appendix 1 – Glossary of terms

EICR	Electrical Installation Condition Report.
MW Certificate	Minor Work Certificate.
EIC	Electrical Installation Certificate.
PAT	Portable Appliance Testing.
NICEIC	National Inspection Council for Electrical Installation Contracting.
IET	Institution of Engineering and Technology
BS 7671	The current edition of the IET Wiring Regulations Eighteen Edition.
GN3	IET Guidance Note 3 Inspection & Testing.
C1	Danger Present, risk of injury, immediate action required.
C2	Potentially dangerous- urgent remedial action.
C3	Improvement required.
F1	Further investigation required without delay.