

# ***FHA ASSOCIATION LIMITED***

## ***GAS SAFETY POLICY***

Governance: Maintenance

Code: M02

Approval: September 2024

Review Date: September 2027

Cross Reference: M07 Gas Safety Procedure  
M10 Repairs and  
Maintenance Policy  
M01 Alterations and  
Improvements Policy



This document can be made available in various formats such as in larger print, audio-format and Braille. It can also be made available in other languages, as appropriate.

## **Policy Summary**

This policy highlights FHA Association's responsibility for servicing and maintaining gas installations within our property portfolio.

## **Equalities**

There is no requirement to do a full Equality Impact Assessment.

## **Privacy**

There is no requirement to do a full Privacy Impact Assessment. However, our tenants contact details are shared with our gas contractor who has signed our GDPR Statement.

## **Policy Owner**

Name: Senior Property Officer

Date of Next Review: September 2027

# **FHA ASSOCIATION LIMITED**

## **GAS SAFETY POLICY**

### **1.0 Introduction**

1.1 This Gas Safety policy has been developed to offer Forth Housing Association (FHA) comprehensive guidance and information regarding our responsibilities for maintaining gas installations within our housing stock and commercial buildings. It aims to provide practical information, advice, and guidance to ensure the safety and wellbeing of our tenants. This policy applies to all tenanted property or commercial property types under our control that contain gas installations, including any gas equipment provided by us.

1.2 Gas installations are defined as appliances, fittings and flues within premises.

- **Gas Appliances** - are appliances used for heating, lighting, cooking or other purposes for which gas can be used. In general, portable or mobile appliances are not covered, except for the use of portable or mobile space heaters (e.g. liquefied petroleum gas cabinet heaters). Our SST doesn't allow the following: USE OF HEATERS FIRED BY PARAFFIN AND LPG (such as Calor gas heaters FHA does not permit the use of such heaters under any circumstances. FHA will provide information and advice on how to use the heating system in your home most effectively. STORAGE OF LPG AND PARAFFIN. FHA will not permit the storage of LPG and paraffin within its properties under any circumstances.
- **Gas Fittings** – are pipework, valves (other than emergency controls), regulators, meters and fittings, apparatus and appliances designed for the use of the tenant for heating, lighting, cooking or other purposes for which gas can be used.
- **Gas Flues** – use a passage for conveying the products of combustion from the gas appliance to the external air.

## **2.0 Principles**

2.1 As a Landlord we have a legal duty to protect tenants safety by ensuring that gas installations we provide to our tenants are safe and fit for purpose at the start and throughout their tenancy.

The following legislation has been considered whilst developing the Gas Safety Policy:

- The Gas Safety (Installation and Use) Regulations 1998
- The Gas Appliances (Safety) Regulations 1995
- The General Product Safety Regulations 2005
- The Housing (Scotland) Act 2006
- The Building (Scotland) Regulations 2013
- Health & Safety at Work etc Act 1974

## **3.0 Aims and Objectives**

3.1 The Scottish Government Scottish Housing Quality Standards state that gas systems must be compliant with the current tolerable standard specifically Element 46 - Safe Oil/Gas Systems and Appliances.

3.2 This policy is aligned to Standards 1 and 3 of the Scottish Housing Regulator's (SHR) Regulation Framework:

- Standard 1 - The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.
- Standard 3 - The RSL manages its resources to ensure its financial wellbeing and economic effectiveness

3.3 This policy is referred to on FHA Risk Register. The register outlines the control measures for managing this risk:

- Provide appropriate measures for undertaking gas safety inspections.

3.4 Appendix A, at the bottom of this policy lists various legislation that's used in when considering this policy.

## 4.0 Policy Framework

### Landlord Duties

- 4.1 FHA have a duty to ensure that gas installations pipework, appliances and flues are maintained and kept in a safe condition. Gas appliances should be serviced in accordance with manufacturers' instructions. If these are not available it is advised that they are serviced annually.

### Periodic Inspection and Testing

- 4.2 Gas Safety Checks must be carried out annually (12 monthly) on gas installations (gas appliances, pipework and flues installed at a property). Checks must be undertaken by a Gas Safe Registered Engineer, who will issue a Gas safety Certificate following the check.

The gas engineer will check the following:

- Gas appliances will be checked for gas tightness.
- If gas points are available, standing and working pressure will be tested.
- Check the burner pressure and gas rate against the manufacturer's data plate.
- Checks will be carried out for the provision of all necessary ventilation.
- Flue flow will be tested to make sure products of combustion are removed.
- All flame failure devices will be checked for satisfactory operation.
- Where appropriate, checks will be made for physical stability, presence and effectiveness of stability brackets.

Without completion of all the above checks an appliance cannot be issued with a Gas Safety Certificate.

### Gas Safety Checks

- 4.3 Under the Gas Safety Regulations all gas appliances have to be checked annually, **including the tenant's own appliances** in respect of gas soundness, ventilation and flue provisions. Whilst our Scottish Secure Tenancy Agreement states that we will not be responsible for the repair of fixture and fittings, we will still undertake a basic safety check of gas appliances such as gas cookers. In such cases, it is reasonable for the tenant's own appliance to be checked, and any costs incurred could be passed on to the tenant.
- 4.4 Even where there is no gas appliance or gas meter, each property that has an incoming gas main must be checked to ensure that the supply is safe,

and that no appliance or meter has been added without the FHA's knowledge.

- 4.5 Gas fires will be checked, switched on and a full smoke test carried out.
- 4.6 The tenant will be informed immediately if their own appliance is found to be defective or unsafe and they will be instructed that it is their responsibility to carry out the necessary service, repair or renewal. The appliance will be **disconnected and labelled as dangerous**, prior to the gas installer leaving the property.

Should the tenant refuse disconnection, the gas contractor will immediately inform both the tenant's gas supplier under Regulation 34 "Unsafe Appliances" of the 1998 Regulation and also the landlord. Under no circumstances will the **gas contractor service the tenant's own appliance**.

#### Landlord Gas Safety Record

- 4.7 A Gas Safe Certificate, also commonly referred to as a Gas Safety Record, is a document that confirms a Gas Safety check has been performed on gas appliances by a qualified Gas Safe Registered Engineer. The certificate will be issued by the engineer showing the outcome of the inspection and a reminder when it is next due for renewal.
- 4.8 The tenant will receive a copy of the gas safety certificate within 28 days of the gas check taking place.
- 4.8 In the case of void properties a copy of the certificate will be made available to the new tenant at commencement of the tenancy.
- 4.9 In properties which have communal gas installations a copy of the safety checks will be displayed in a prominent position in the communal area. FHA does not permit the removal of the Gas Safety certificate on display in communal areas.
- 4.10 All original copies of the gas safe certificates should be sent to FHA.
- 4.11 Gas Safety inspections are reviewed and audited to ensure proper completion. Any discrepancies observed will be raised with the gas contractor.

#### Action if an Appliance Fails Inspection and Testing

- 4.12 The safety check record will contain details of any safety defects identified and remedial action taken by the engineer. FHA must ensure that any safety defects are rectified before the equipment is used again. Defects must be rectified by a Gas Safe Registered Engineer.

#### Void Properties, Mutual Exchanges, Returned Leases Flipped Tenancies

- 4.13 Before any new tenancy, mutual exchange or flipped tenancy commences, FHA must make sure that Gas Safety Checks have been carried out during the void process for the start of a new tenancy. FHA will carry out gas safety checks at the start of any mutual exchanges. Any properties leased out and returned to FHA for mainstream letting will become a void property, with the gas safety check carried out during the void process. In the case of flipped tenancies, charges for these checks will be applied.

#### Access to Tenant Properties

- 4.14 FHA must take 'all reasonable steps' to ensure gas safety checks are carried before the anniversary date of the previous gas safety certificate. We must take reasonable steps for accessing properties for any servicing and maintenance works that must be carried out. Our Gas Safety Procedure M07 provides step by step guidance on our processes we will take where access proves to be difficult. This will involve giving written notice to a tenant requesting access and explaining the reason for this access. Alternatively, a forced access letter will be issued when a tenant fails to provide access through the previous steps as a final opportunity to provide access before entry is forced to undertake the gas servicing
- 4.15 At the start of the tenancy the signed contract between FHA and the tenant, i.e. the tenancy agreement, states that the tenant will allow access for any gas, general works, maintenance and checks to be carried out.
- 4.16 When tenants do not co-operate to allow access to the contractor to carry out Annual Gas Safety Visit checks, landlords must show that they have taken all reasonable steps to comply with the law. Landlords must keep a record of their actions to demonstrate the steps taken to discharge their duties:
- Personal visits explaining the reasons why access is required.
  - Leaving the tenant a notice stating that an attempt was made to complete the gas safety check and providing relevant contact details.
  - Write to the tenant (recorded delivery or hand delivered) explaining that a safety check is a legal requirement and that it is for the tenant's own safety.

- Give the tenant the opportunity to arrange their own appointment. The landlord should be flexible and arrange appointments for gas installers to call outside normal working hours.
- 4.17 If the tenant continues to refuse access after repeated requests, FHA can arrange for the gas supply to be capped externally. Where it is not possible to cap the supply externally and in order to ensure compliance with statutory obligations, FHA is required to give notice, as stipulated in the Scottish Secure Tenancy Agreement and under the terms of the Housing Act 2001, to force entry and carry out the Annual Gas Safety Visit or cap the supply internally.
- 4.18 Where there is concern about the safety of gas fittings at the property, the tenant's gas supplier should be contacted to attend the premises and use their powers to gain entry.

#### Gas Safe Registered Engineer

- 4.19 All works carried out on gas installations must be carried out by a 'Gas Safe Registered Engineer.'
- 4.20 Gas Safe Registered Engineers must be registered with the Gas Safe Register, which contains the official list of gas engineers. To check that an engineer is registered, Landlords can contact the company during normal working hours on 0800 408 5500 or go on the website by clicking the following link to check online ([www.gassaferegister.co.uk](http://www.gassaferegister.co.uk)).
- 4.21 The gas engineers must be **Gas Safe** registered and must hold a current relevant qualification under the Accredited Certification Scheme (ACS), listing the areas of gas work that the installer can undertake. This proof of competence must be provided to FHA. The Engineer should be able to provide a current ID card.

#### Engineer Identification

- 4.22 Whenever the gas engineer attends a property to undertake work they must have their Gas Safe ID card with them. The ID card contains a photo of the engineer, their business registration number and personal license number, company name, the start and expiry date of the card and a security hologram. The reverse of the card details what kind of gas work the engineer is able to do. Tenant's can request to see this identification at any time from an engineer working on behalf of FHA whilst in their home.



## Tenant Information and Guidance

- 4.23 FHA will actively promote the importance of the annual gas safety checks through various media, such as Newsletters, our Tenants Handbook, our Tenancy Agreements and training for tenants at sign-up on the use of the gas appliances.

## Tenant and FHA Appliances

- 4.24 FHA will allow tenants to use gas cookers within its properties and will carry out safety checks on our tenant's gas appliances such as gas cookers. At present we have no other types of tenant's gas appliance such as gas fires within any of our properties.
- 4.25 The landlord may have a policy for allowing tenants to use their own gas appliances. In such circumstances FHA will ensure that the tenants' appliances are registered with us and are fitted correctly and are safe.
- 4.26 FHA will be responsible for the service, maintenance and repair of its central heating systems including gas boilers. Tenants will be responsible for the servicing/maintenance and repair of their own gas appliances such as cookers.
- 4.27 All appliances which the tenant wishes to install such as cookers must have a copy of the installation instructions for that make and model before being fitted, otherwise the appliances can be deemed illegal.
- 4.28 The appliance must be fitted by a qualified Gas Safe Registered installer.
- 4.29 Free-standing cookers connected by a flexible connector (bayonet fitting), are not considered to be 'readily movable', but can be moved, temporarily e.g. to clean the space they normally occupy. This type of activity is not regarded as 'work' within the meaning of these Regulations (Gas Appliances (Safety) Regulations 1995).
- 4.30 At the start of the tenancy the HSE recommend that landlords advise the tenant of any flues or chimneys that are unsuitable for the installation of a gas appliance. FHA currently have three properties with chimneys which are de-commissioned. Information relating to this would be provided at a sign-up appointment. Therefore, landlords may wish to consider regulating the installation of any appliance by a tenant through the conditions of the tenancy agreement.
- 4.31 To help the landlord fulfil their legal duties under the Health and Safety at Work etc. Act 1974, the HSE recommends that all flues (e.g. chimneys) connected to gas appliances should be included within the landlord's gas

safety check, even where **they do not** serve appliances provided by the landlord.

- 4.32 The landlord/representative should visit all new tenants within one month after sign-up to ensure no illegal appliances have been fitted.
- 4.33 During the gas service visit, the engineer will test all Smoke/Heat/CO detectors within the property and provide FHA with a record of the tests. Tenants will be encouraged to carry out weekly tests to the Smoke/Heat/CO detectors via our “Test it Tuesday” campaign which we advertise within our media.

### Carbon Monoxide Detection

- 4.33 The Domestic Technical Handbook, issued by the Scottish Government recommends that a detection system is installed in all dwellings where:
- a new or replacement fixed combustion appliance (excluding an appliance used solely for cooking) is installed in the dwelling or
  - a new or replacement fixed combustion appliance is installed in an inter-connected space, for example, an integral garage.

A carbon monoxide detection system to alert occupants to the presence of carbon monoxide should consist of at least:

- 1 carbon monoxide detector in every space containing a fixed combustion appliance (excluding an appliance used solely for cooking) and
- 1 carbon monoxide detector to provide early warning to high-risk accommodation, that is, a bedroom or principal habitable room, where a flue passes through these rooms.

Unless otherwise indicated by the manufacturer, carbon monoxide detectors should be either:

- ceiling mounted and positioned at least 300mm from any wall or
- wall mounted and positioned at least 150mm below the ceiling and higher than any door or window in the room.

## **5.0 Monitoring of the Policy**

- 5.1 The Management Committee will review this policy at least every 3 years and staff are responsible for ensuring that it meets legal and good practice requirements and will monitor any changes advised in the interim period for the review.

## **6.0 Complaints and Appeals**

- 6.1 FHA Association welcomes complaints and positive feedback, both of which provide information which helps us to improve our services. We use a complaints procedure developed by the Scottish Public Services Ombudsman (SPSO) and the Scottish Housing Regulator.

The complaints procedure allows for most complaints to be resolved by front line staff within a five-day limit (first stage), or if the complaint is complex, a detailed investigation will be made by a manager within a 20-day limit (second stage). At the end of the second stage our response will be made by a director. If the customer remains dissatisfied, he/ she may then refer the matter to the SPSO.

At each stage we will advise the customer how the complaint should be taken forward and advise which agency would be most appropriate to consider the case.

## **7.0 Equalities**

- 7.1 Equality and diversity underpin all our activities and services. When delivering our services, we never discriminate on the basis of sex or marital status, race, disability, age, sexual orientation, language, social origin, or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions. Full details of our Equalities Policy can be found on our website [www.forthha.org.uk](http://www.forthha.org.uk) or can be obtained from our office.

## **8.0 Data Protection - Privacy**

- 8.1 We recognise the importance of data protection legislation, including the General Data Protection Regulation, in protecting the rights of individuals in relation to personal information that we may handle, use and disclose about them, whether on computer or in paper format. We will ensure that our practices in the handling, use and disclosure of personal information as part

of the processes and procedures outlined in this policy comply fully with data protection legislation. More information is available from our Data Protection Officer

## **9.0 Availability**

- 9.1 This policy is available on our website and can be made available in a number of other languages and other formats on request.

## **10.0 Review**

- 10.1 This policy will be reviewed at least every 3 years by the Management Committee and staff are responsible for ensuring that it meets legal and good practice requirements.

## Equality Impact Assessment Screening Questions

### FHA Association Ltd

### Equality Impact Assessment Screening Questions

#### Gas Safety

Will the implementation of this policy have an impact on any of the following protected characteristics?

- |                                   |                              |  |
|-----------------------------------|------------------------------|--|
| 1. Age                            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Disability                     | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Gender reassignment            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Marriage and Civil Partnership | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 5. Pregnancy and Maternity        | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 6. Race                           | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 7. Religion or belief             | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 8. Sex                            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 9. Sexual orientation             | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

*If you have answered 'Yes' to any of these points, please complete a full Equality Impact Assessment. If you have answered 'No,' you need take no further action in completing an Equality Impact Assessment*

## Equality Impact Assessment Screening Questions

### FHA Association - Privacy Impact Assessment

1. A substantial change to an existing policy, process or system that involves personal information Yes  No
2. A new collection of personal information Yes  No
- 3.. A new way of collecting personal information (for example collecting it online) Yes  No
4. A change in the way personal information is stored or secured Yes  No
5. A change to how sensitive information is managed Yes  No
6. Transferring personal information outside the EEA or using a third-party contractor Yes  No
7. A decision to keep personal information for longer than you have previously Yes  No
8. A new use or disclosure of personal information you already hold Yes  No
9. A change of policy that results in people having less access to information you hold about them Yes  No
10. Surveillance, tracking or monitoring of movements, behaviour or communications Yes  No
11. Changes to your premises involving private spaces where clients or customers may disclose their personal information (reception areas, for example) Yes  No

*If you have answered 'Yes' to any of these points, please complete a full Privacy Impact Assessment. If you have answered 'No,' you need take no further action in completing a Privacy Impact Assessment.*

## **Appendix A – Gas Safety Legislation Overview**

### **The Housing (Scotland) Act 2006**

The Housing (Scotland) Act 2006 places a duty on Landlords and states that all installations in the property for the supply of water, **gas**, electricity, sanitation, **space heating** and **heating of water** are in a reasonable state of repair and in proper working order at the start of the tenancy and at all times during the tenancy. Any fixture, fitting and appliance provided by the landlord should be in a reasonable state of repair and in proper working order.

### **The Building (Scotland) Regulations 2013.**

These regulations address the various aspects of building design and construction which include health and safety, energy conservation, welfare and convenience of disabled people. Guidance is provided in the Building (Scotland) technical handbooks for Domestic Buildings and Non-Domestic Buildings. Section 3 (Environment) details the requirement for the installation and maintenance of gas appliances, flues and chimneys. Section 4 (Safety) requires the installation of a detection system in order to alert all occupants to the presence of harmful levels of Carbon Monoxide (CO).

### **Landlords – Gas Safety (Installation and Use) Regulations 1998.**

The Gas Safety (Installation and Use) Regulations 1998 place specific duties on gas users, installers, suppliers and landlords. The Regulations deal with the safe installation, maintenance and use of gas systems, including gas fittings, appliances and flues, mainly in domestic and commercial premises. The requirements include both natural gas and liquefied petroleum gas (LPG). The main requirements are for landlords to **inspect and service gas installations on an annual basis** and to **only allow qualified and approved gas engineers** to work on any gas appliances or installations. These regulations sit within the wider context of the Health & Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999. The Gas Safety (Installation and Use) Regulations 1998 place specific duties on gas users, installers, suppliers and landlords see Appendix B for details.

## **Gas Appliances (Safety) Regulations 1995**

Manufacturers and suppliers of new, second hand and reconditioned appliances and fittings, burning gaseous fuel used for cooking, heating, hot water production, refrigeration, lighting or washing and having, where applicable, a normal water temperature not exceeding 105 degrees Celsius, are subject to the Gas Appliances (Safety) Regulations 1995, and must bear **CE marking** and be safe.

## **General Product Safety Regulations 2005**

Under the General Product Safety Regulations 2005 it is an offence to supply (including hiring out) a used gas cooking appliance unless it complies with certain safety requirements. For example, the gas carrying component must prevent leaks of gas, the gas shutoff devices must work properly and safely, and surface temperatures must not be too high. Only someone who is **Gas Safe registered can install a gas appliance**.

## **Housing Scotland Act 2001**

Section 79 of the Housing (Scotland) Act 2001 provides Scottish Ministers with the power to set and publish Performance Standards which forms the key reference point for all housing association activities. Performance Standards are fundamental to the way social landlords and regulated services behave and conduct their business. Housing Associations are required to have in place a Gas Safety Policy which conforms to the standards set out by the Scottish Housing Regulator in 2009.



## Appendix B

### General Duties and Responsibilities for Gas Users, Installers, Suppliers and Landlords

- Anyone carrying out work on gas appliances or fittings as part of their business must be competent and **registered with the Gas Safe Register**.
- Only a competent person can carry out work on gas appliances or fittings. **Do-it-yourself** work on gas appliances or fittings could be dangerous and is likely to be illegal.
- The regulations place a number of restrictions on gas appliances installed in bathrooms, shower rooms and bedrooms that are detailed and prescriptive.
- It is illegal to install instantaneous water heaters, which are not room-sealed or fitted with a safety device that automatically turns the gas supply off before a dangerous level of poisonous fumes builds up.
- It is illegal to install any fixed fire, space heater or water heater of more than 14kW input into a room intended to be used as sleeping accommodation, unless it is 'room sealed'. If it is below 14kW, it must either be 'room sealed' or have an oxygen depletion cut out.
- No alterations are to be made to any premises which would adversely affect the safety of a gas fitting so as to result in any contravention of or failure to comply with the regulations e.g. installation/removal of a window, air bricks, extractor fans or putting extra weight on hidden pipes.
- Nothing may be done which could affect a gas fitting or any flue or means of ventilation in such a manner that subsequent use could constitute a danger to any person.
- Any person (Gas Safe Registered) disconnecting a gas fitting must seal off the outlet pipe.
- No person is to install a meter in a locked box without supplying a key.

### Landlord Duties

- Landlords are responsible for making sure that gas fittings, including flues, pipework and appliances are maintained to a good working order, are safe to use for our tenants and are serviced and safety checked every 12 months. Reactive repairs will take place throughout the year when required.
- Tenants own gas appliance will receive an annual safety check but will not be serviced or repaired if they are faulty.

They must also keep a record of the safety checks for at least two years and issue it to existing tenants within 28 days of the check being completed and any prospective tenants before they move in.

- Employers (Housing Associations) with gas appliances at places of work, landlords and providers of holiday accommodation must ensure that gas appliances, including LPG cabinet heaters, are checked for safety, including where relevant, checks on the effectiveness of the flue, the ventilation, gas operating pressure and gas tightness by a Gas Safe Registered engineer.
- As a minimum, the record of a gas safety check must contain:
  - A description of and the location of each appliance or flue checked.
  - The name, registration number and signature of the individual carrying out.
  - The check carried out.
  - The date on which the appliance or flue was checked.
  - The address of the property at which the appliance or flue is installed.
  - The name and address of the landlord (or their agent where appropriate).
  - Any defect identified and any remedial action taken.

## **Tenant Duties**

- Tenants must not use any gas appliance or fittings that they know or suspect to be unsafe. Through the Gas Safe Register, the Health & Safety Executive has asked all registered installers to disconnect any Gas Appliance or fittings that are so dangerous as to be a threat to life if they are used.
- Tenants will be responsible for any repairs and maintenance to their own gas appliances such as cookers.
- No person searching for an escape of gas is to use any source of ignition e.g. a match or lighter.
- Combustible material must not be stored in any meter box.
- A statement confirming that the safety check has been completed and complies with the requirements of the Gas Safety (Installation and Use) Regulations 1998.