

Housing Electrical Safety Policy

Version control

Avoid referring to printed versions of this document. Printed versions may be out of date.

Owner/responsibility for compliance		Head of Housing Technical Services	
Status (draft / approved and live)		Approved and live	
Version no:	Date approved:	Approved by:	Summary of changes made to each version:
1.1		Cabinet	New policy

1 Introduction

- 1.1 This policy is to support Swindon Borough Council ('the Council') in its function as a landlord to provide safe and effective housing management.
- 1.2 The Council is responsible for repairs and maintenance to our homes and communal blocks, all of which will contain electrical installations, and equipment.
- 1.3 This policy is to ensure our Cabinet, Corporate Management Team, colleagues, partners and tenants are clear on our legal and regulatory electrical safety obligations. This policy provides the framework our colleagues and partners will operate to meet these obligations.
- 1.4 In developing this policy residents' and partnering agencies' views and feedback have been considered. An Equalities Impact Assessment has been carried out and there are no adverse implications.
- 1.5 The results of the Equalities Impact Assessment have been considered and there are no adverse implications or if there were these have been considered and mitigated.

2 Equality and diversity statement

- 2.1 Swindon Borough Council is intent on ensuring people or communities do not face discrimination or social exclusion due to socio-economic deprivation or any of the following protected characteristics:
 - Age
 - Disability
 - Sex
 - Marriage & civil partnership
 - Race
 - Religion or belief

- Sexual orientation
- Gender reassignment
- Pregnancy & maternity

Legislation and guidance

2.2 The legislation and guidance applicable to this policy includes the following:

- Landlord and Tenant Act 1985.
- Electricity at Work Regulations 1989.
- Electrical Equipment (Safety) Regulations 2016.
- Housing Health and Safety Rating System introduced under Part 1 of the Housing Act 2004.
- Social Housing (Regulation) Act 2023.
- Awaab's Law.
- Regulatory Reform (Fire Safety) Order 2005.
- The Building Regulations 2010.
- Construction, Design, and Management (CDM) Regulations 2015.
- Defective Premises Act 1972.
- Workplace (Health Safety and Welfare) Regulations 1992.
- Provision and Use of Work Equipment Regulations 1998.
- Data Protection Act 2018.
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).
- Equality Act 2010

2.3 The following guidance is applicable to this policy:

- INDG236 - Maintaining portable electrical equipment in low-risk environments (as amended 2013).
- IET Wiring Regulations British Standard 7671 latest edition
- Code of Practice for the Management of Electrotechnical Care in Social Housing (Electrical Safety Roundtable) January 2019.
- The Code of Practice for In-Service Inspection and Testing of Electrical Equipment (IET) 2020 (5th edition).

3 Scope

- 3.1 This policy applies to all homes owned by the Housing Revenue Account and managed by Swindon Borough Council's Housing department.
- 3.2 This policy also applies to any property which is leased by or managed as social housing stock or used for the purposes of temporary accommodation for those experiencing homelessness, for which the Council owes a statutory accommodation duty.
- 3.3 This includes domestic dwellings (houses and flats), communal areas of any blocks containing such properties, sheltered housing, supported housing and temporary

housing schemes, and associated offices/communal spaces, and garage blocks.

- 3.4 The policy applies to all our colleagues, tenants, contractors, and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities.

4 Roles and responsibilities

- 4.1 The table below highlights the key responsibilities:

Function /Task	Responsibility
Overall duty to ensure the organisation has enough funding, resource and systems in place to achieve and maintain statutory compliance.	Chief Executive Officer
Appoint a responsible person(s) to monitor the electrical compliance position.	Corporate Directors
Responsible person for monitoring the electrical compliance position.	Director of Housing
Apply this policy throughout the council and ensure any service delivery partner complies with it.	Relevant Heads of Service & Directors
Provide robust reporting around electrical compliance to the Council's Board and CEO. Reviewing budgets to ensure financial resources are available.	Relevant Heads of Service & Directors
Manage the internal systems that provide an accurate programme for service and safety checks to the service delivery function.	Service Manager Compliance
Manage the day-to-day delivery of the policy, electrical compliance, reviewing policy and procedure regularly for associated teams.	Service Manger compliance
Responsibility for the test and inspection programme and oversight of remedial actions.	Compliance Lead-Electrical
"Principal Duty Holder" with the National Inspection Council for Electrical Installation Contracting (NICEIC) and "Qualifying Supervisor" for the NICEIC to ensure that all electrical work carried out by our directly employed Electricians is to the required standards	Compliance Lead-Electrical
Aid the service delivery function in gaining access to properties	Tenancy and other frontline Housing teams
Applications to the Courts to provide access	Enforcement team/ legal team

- 4.2 Residents are responsible for allowing access to their homes to carry out five-yearly electrical inspections (EICRs) and any necessary electrical repairs as per the terms and conditions of their tenancy agreement.

5 Approach

- 5.1 Swindon Borough Council will undertake a rolling programme of electrical safety testing,

which will be completed on a cycle not exceeding five years.

- 5.2 Failure to discharge our responsibilities and obligations properly could lead to sanctions, including:
- Prosecution by the Health and Safety Executive (HSE) under the Health and Safety at Work etc. Act 1974
 - Prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007
 - Prosecution under any of the principal legislation listed in Section 4.1; and sanction via a regulatory notice from the Regulator of Social Housing.
- 5.3 The Housing Act 2004 requires that properties are free from Category 1 Housing Health and Safety Rating System (HHSRS) hazards; this includes electrical hazards.
- 5.4 The Landlord and Tenant Act 1985 and the Homes (Fitness for Human Habitation) Act 2018 place duties on landlords to ensure that electrical installations in rented properties are:
- Safe when a tenancy begins.
 - Maintained in a safe condition throughout the tenancy, so the property is fit for habitation.
- 5.5 To comply with these duties, electrical installations are required to be periodically inspected and tested.
- 5.6 All electrical installations should be inspected and tested prior to the commencement of any new tenancies. This means that tests should be carried out whilst properties are void and when mutual exchanges and transfers take place, and a satisfactory Electrical Installation Condition Report (EICR) will be held on our Housing Management Systems.
- 5.7 The Electricity at Work Regulations 1989 places duties on employers that all electrical installations and appliances within the workplace are safe and that only competent persons work on the electrical installations, systems and equipment.
- 5.8 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.
- 5.9 The Council will ensure that all electrical installations are in a satisfactory condition following the completion of an electrical installation inspection and test and will require the production of a condition report or other certificate which confirms that the installation is safe.
- 5.10 The Council will ensure that a full Electrical Installation Condition Report and test is undertaken in the case of a change of occupancy (void properties and mutual exchanges).
- 5.11 The Council will confirm electrical installation compliance following planned work or repairs within domestic properties; this will be evidenced through appropriate certification.

- 5.12 The Council will operate a robust process if there is difficulty gaining access to a property to carry out the electrical safety check or remediation works. We will use the legal remedies available within the terms of the tenancy agreement, lease or license provided the appropriate procedures have been followed and approval given by a Head of Service (or more senior role). Where resident vulnerability issues are known or identified, we will ensure that we safeguard the wellbeing of the resident as per our Access policy.
- 5.13 The Council will operate effective contract management arrangements with the contractors responsible for delivering the service, including; ensuring contracts/service level agreements are in place, conducting client-led performance meetings and ensuring that contractors' employee and public liability insurances are up to date.
- 5.14 The Council will ensure there is a robust process in place to investigate and manage all RIDDOR notifications made to the HSE in relation to electrical safety and will take action to address any issues identified and lessons we have learned, to prevent a similar incident occurring again.

6 Programmes

- 6.1 The Council will carry out Electrical Installation Condition reports to all domestic properties, communal blocks and other properties no later than every five years (or where a review recommends an earlier next test date).
- 6.2 The person carrying out the test will be required to issue the Council with a new satisfactory EICR. The date of the next inspection and test is driven from the date of the most recent EICR. All reasonable attempts will be made to access these properties as stated in our Access policy.

New builds and properties which have rewires

- 6.3 All new builds, and all properties which have a rewire, will receive their first electrical installation inspection and test five years after the date of installation, and every five years thereafter.

Properties managed by others

- 6.4 The Council will obtain EICRs where our properties are managed by a third party. If the third party does not provide the EICR, we will carry out the inspection and obtain the EICR, and re-charge them for the cost of this work.
- 6.5 The Council will repair all Code 1 (C1), defects identified by an electrical installation inspection and test at the time of the check, to produce a satisfactory EICR. Where this is not possible, we will make the installation safe and return to complete the required remediation works within 28 days to ensure a satisfactory EICR is produced. Dependant on the action required to make safe and the impact on the tenant we may consider decant.
- 6.6 The council will repair all code 2 (C2) defects identified by an electrical installation

inspection either on the day or within 28 days, the EICR will remain unsatisfactory.

- 6.7 The council will record all code 3 (C3) defects identified by an electrical installation inspection as recommendations.
- 6.8 Where any C1 and/or C2 defects have been repaired, on the day of the test, they will be recorded on the satisfactory EICR to provide an audit of the work completed.
- 6.9 The Council will record and maintain accurate records in relation to all Code 3 (C3) recommendations and determine the most appropriate course of action. The Council will periodically review these recommendations and may consider these in line with commissioned capital improvement programmes.

7 Record keeping

- 7.1 The Council will maintain a core asset register of all properties we own or manage, with component/attribute data against each property to show electrical safety testing and inspection requirements.
- 7.2 The Council will operate a robust process to manage all changes to our assets, including property acquisitions and disposals, to ensure that properties are not omitted from the electrical safety programme and the programme remains up to date.
- 7.3 The Council will maintain accurate records, against each property we own and/or manage, of the following:
- Inspection dates.
 - Electrical Installation Condition Reports (EICRs).
 - Minor Electrical Works Certificates and Building Regulation Part P notifications associated with remedial works; and
 - Electrical Installation Certificates.
 - Emergency Lighting Annual Inspection & Testing Certificates.
 - Lightning Protection System Certificates.
- 7.4 The Council will hold these records in a Compliance or Housing Management System.
- 7.5 The Council will make available to tenants' electrical certification and send where necessary in line with statutory expectations.

8 Competent persons

- 8.1 The Compliance Lead - Electrical, as the post responsible for managing the day-to-day delivery of the programme, will hold a minimum of the following qualifications:
- A recognised electrical qualification such as Level 3 NVQ Diploma in Electrotechnical Services or equivalent and be fully qualified to BS 7671 Wiring Regulations (18th Edition).
- 8.2 Only suitably competent electrical contractors and operatives, who are registered with an approved competent body (for example the NICEIC, British Standards Institution,

ELECSA, BRE Certification or NAPIT Registration) will undertake electrical works on behalf of the Council.

8.3 The Council will check that our contractors hold the relevant qualifications and accreditations when their services are procured, and thereafter on an annual basis.

8.4 The Council's direct in-house Electrical Team is and will be registered with the approved competent body (NICEIC). All individual Electricians employed within the team will have their suitable qualifications checked by the responsible person before employment commences. Any additional or regulatory updates training will be provided by the Council.

9 Access arrangements

9.1 Residents will be given reasonable notice of electrical safety appointments and clear information about:

- Why the survey is required.
- What the visit will involve.
- How long it may take.

9.2 The Council will take a supportive and proportionate approach to gaining access, recognising its statutory duty to inspect homes while being mindful of residents' circumstances.

9.3 For further information about how the Council acts, and escalation routes, where repeated access attempts are unsuccessful, see the Access Policy.

10 Reporting

10.1 The following performance indicators are reported to the Compliance Scrutiny and Assurance Group monthly.

10.2 The Council will maintain accurate records, against each property we own and/or manage, of the following:

- Total number of Dwellings in Programme.
- Total number of communal areas in the programme.
- Total number of EICRs in Date.
- Total number of Overdue EICRs.
- Total number of Overdue EICRs (< 3months).
- Total number of Overdue EICRs (3-6 months).
- Total number of Overdue EICRs (6-12 months)
- Total number of Overdue EICRs (12+ months).

10.3 In addition, we will calculate our electrical compliance for both communal and domestic dwellings on a monthly basis. This will be presented to various internal management and resident scrutiny meetings as required.

11 Quality assurance

- 11.1 The Council will undertake proportionate internal desktop audits of EICRs, Electrical Installation and Minor Works certification. This is carried out by our NICEIC registered Qualified Supervisor (QS).
- 11.2 The Council will undertake periodic audits by NICEIC to ensure we fully comply with BS7671 (IET Electrical Wiring Regulations).
- 11.3 The Council, or an independent supplier, will carry out proportionate onsite audit of EICRs and rewires.

12 Significant non-compliance escalation process

- 12.1 The Council's definition of non-compliance is any incident which has the potential to result in a breach of legislation or regulatory standard, or which causes a risk to health or safety.
- 12.2 All non-compliance issues will be reported and escalated as soon as possible and no later than 24 hours after the incident occurred, or on becoming aware of it.
- 12.3 In cases of serious non-compliance, the Corporate Management team and Cabinet 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.

13 Monitoring and review

- 13.1 This policy will be reviewed every two years or sooner if legislation or regulations change.