

Report to: Housing Review Board



Date of Meeting 24th March 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Electrical Safety Policy for Housing

Report summary:

The Housing Review Board to consider and agree the implementation of an Electrical Safety Policy for Housing to ensure compliance with current legislation and regulations relating to Electrical Safety.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That the Housing Review Board agrees to the policy within this report and recommends to cabinet that the policy is formally adopted by the Council.

Reason for recommendation:

To ensure that East Devon District Council meets their legal duty with regards to current legislation and regulations relating to Electrical Safety.

Officer: Michelle Davidson, Compliance & Cyclical Servicing Manager – email: mdavidson@eastdevon.gov.uk

Portfolio(s) (check which apply):

- Climate Action and Emergencies
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Culture, Tourism, Leisure and Sport
- Democracy and Transparency
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Equalities impact Medium Impact

As a Social Landlord we carry a Statutory Requirement to carry out electrical testing within our stock to ensure that installations are safe

Climate change Low Impact

Risk: High Risk; There are high risk consequences of failing to comply with Statutory Regulations/Legislation in relation to electrical safety from a safety financial and reputational perspective.

Links to background information Housing Service Plan; Statutory elements of service; statutory Compliance

Link to [Council Plan](#):

Priorities (check which apply)

- Outstanding Place and Environment
- Outstanding Homes and Communities
- Outstanding Economic Growth, Productivity, and Prosperity
- Outstanding Council and Council Services

Report in full

Introduction:

1. This policy sets out East Devon District Council's approach to managing electrical safety within properties owned and/or managed by East Devon District Council, including community centres, communal areas & district offices.
2. The electrical safety policy details how East Devon District Council meet 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 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.
3. The Policy document has been circulated via a group of selected tenants (9 in total) from our tenant reading group. Valuable feedback has been received that relates directly to the policy document but also in relation to tenants experience of these works being undertaken in their properties.
4. **Policy as set out below;**

Issue details	
Title:	Electrical Safety Policy
Version number	Version 1.0
Officer responsible:	Michelle Davidson, Compliance & Cyclical Servicing Manager
Authorisation by:	Housing Review Board
Authorisation date:	March 2022

1 Previous Policies/Strategies

None

2 Why has the council introduced this policy?

The electrical safety policy details how East Devon District Council meet 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 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.

The policy is relevant to tenants, contractors and other persons who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services. It should be used by all to ensure they understand the obligations placed upon East Devon District Council to maintain a safe environment for tenants and employees within the home of each tenant and within all non-domestic (communal) premises or areas of buildings. East Devon District Council will follow a systematic approach to the management of electrical work to ensure it meets the requirements set out in BS 7671 2018 Requirements for Electrical Installations IET Wiring Regulations 18th edition including all amendments and other relevant legislation relating to electrical safety. This is to ensure the safety of tenants, employees and members of the public.

3 What is the council's policy?

Introduction

East Devon District Council 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. The Landlord and Tenant Act 1985 places 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

In order to be compliant under these duties electrical installations are required to 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.

Legislation

This policy is written to ensure that East Devon District Council is compliant with the following legislation in respect of gas safety:

- The Landlord & Tenant Act 1985
- Housing Act 2004
- Regulatory Reform Fire Safety 2005
- Defective Premises Act 1972
- Electrical at Work Regulations 1989
- Provision and Use of Work Equipment Regulations 1998 (PUWER)
- Health & Safety at Work At 1974
- Environmental Protection Act 1990

- The Building Regulations for England and Wales (Part P)

Code of Practice

- IET Wiring Regulations British Standard 7671: 2008 (as amended 2015)
- The Code of Practice for In-Service Inspection and Testing of Electrical Equipment (ISITEE)
- HSE INDG236: 'Maintaining portable electrical equipment in offices and other low risk environments'
- Code of Practice for the Management of Electrotechnical Care in Social Housing

Policy Principles

Detailed below are the key policy principles relating to electrical safety:

East Devon District Council will hold accurate records against each property it owns or manages identifying when the electrical installation was last inspected and tested and all electrical portable appliances that is held at each property together with details of Portable Appliance Tests (PATs) undertaken.

East Devon District Council will ensure that all domestic properties owned or managed have a valid Electrical Installation Condition Report (EICR) that is no older than 5 years from the date of the previous EICR. East Devon District Council will deliver a comprehensive programme of testing and inspection of all domestic properties on a rolling 5-year cycle.

East Devon District Council will ensure that all non-domestic (communal) properties and offices owned or managed have a valid Electrical Installation Condition Report (EICR) that is no older than 5 years from the date of the previous EICR. East Devon District Council will deliver a comprehensive programme of testing and inspections of all non-domestic (communal) properties and offices on a rolling 5-year cycle.

East Devon District Council will ensure that all electrical installations shall be in a satisfactory condition following completion of an electrical installation inspection and test.

East Devon District Council will ensure that electrical installation inspection and tests are carried out prior to the commencement of any new tenancies (void properties), mutual exchanges and transfers and that a satisfactory EICR is issued to the tenant prior to them moving in.

East Devon District Council will ensure that only suitably competent NICEIC electrical contractors and engineers undertake electrical works.

East Devon District Council will ensure that all electrical portable appliances are tested periodically in accordance with the testing guidance set out in 'The Code of Practice for In-Service Inspection and Testing of Electrical Equipment' (ISITEE).

East Devon District Council will carry out electrical installation inspection and tests and issue new satisfactory EICRs when completing planned component replacement works within domestic properties. In the case of a rewire East Devon District Council will receive an installation certificate and following minor works, a minor works certificate.

East Devon District Council will test and replace as necessary smoke alarms, heat detectors and carbon monoxide detectors which are not covered as part of the annual gas safety check

visit (i.e. the property does not have gas), as part of the 5-yearly electrical inspection and testing visit.

East Devon District Council will ensure that robust processes and controls are in place to manage the completion of follow up works identified during inspection and testing of electrical installations and electrical portable appliances. East Devon District Council will ensure that robust processes and controls are in place to ensure that all electrical works are properly notified and approved under Part P of the Building Regulations for England and Wales where this is required.

East Devon District Council will ensure that robust processes and controls are in place to manage works to void and occupied properties that may affect existing electrical installations

No Access

East Devon District Council will have a robust process in place to gain access to properties where tenants refuse access to ensure tenant safety and to ensure East Devon District Council fulfil their duty as a landlord.

ECIR Testing

Our appointed Electrical Contractor will call &/or write to the tenant advising them of when they will be attending to carry out the electrical test.

If the tenant is not home during this test or the tenant refuses access our Electrical Contractor will make a further two attempts to book an appointment with the tenant, this will be by telephone and/or letters. East Devon District Council expect at least two letters to be sent to the tenant asking that they make contact to book a suitable appointment.

Should the tenant refuse access, fail to make a suitable appointment or make an appointment (which is not kept), for whatever reason, the Electrical Contractor will refer this back to the Council for their pursuance.

An appropriate Officer will attempt to make contact with the tenant to arrange an appointment to carry out the electrical test (ECIR). If they are unable to do so, the Officer will serve the tenant with a legal letter stating that the tenant must arrange an appointment with the Council's appointed Electrical Contractor within the next 7 days.

Should the tenant fail to make contact within the designated time (7 day period), a final legal letter will be served upon the tenant giving them at least 24 hours' notice that the Council's appointed Electrical Contractor will be attending on a specific date and time (legal appointment). The letter states that the tenant must allow access at this time and the Council will force entry to carry out the test (ECIR) if the tenant is not home.

On the day of the legal appointment a relevant Officer will attend the tenant's property with the Electrical Contractor and a locksmith to carry out the electrical test (ECIR). Should the tenant not be home at the time of the legal appointment the Council will force entry to carry out the test to ensure the property is safe. If the tenant is at home but refuses access, the Officer will refer this to our Legal Department to apply for a Court Injunction to compel the tenant to allow access to enable the Electrical Contractor to carry out the test (ECIR).

Compliance Remedial Work

East Devon District Council will ensure there is a robust 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 or electrical portable appliance. East Devon District Council Electrical Contractor will as a minimum make safe and/or where possible endeavour to repair all code 1 defects identified by a periodic electrical installation inspection and test before leaving site after completing the inspection and testing works.

Any further remedial works of defects identified will be put into a programme of work within to ensure the installation is in a satisfactory condition. East Devon District Council will establish and implement programmes of electrical installation upgrading works to improve electrical installations, that have been identified as not meeting current standards but are in a satisfactory condition for the purposes of an EICR, up to a standard that meets all current requirements of BS7671.

East Devon District Council will ensure there is a robust process in place to investigate and manage all RIDDOR notices issued with regard to electrical safety

Record Keeping

East Devon District Council will record and maintain a core asset register of all properties that have an active electrical supply and electrical installation. This register should identify electrical installations within all domestic properties and electrical installations within non-domestic (communal) properties and offices.

East Devon District Council will establish and maintain a register against each property asset of any electrical portable appliances and portable appliance testing (PAT) requirements.

East Devon District Council will establish and maintain accurate records of all completed Electrical Installation Condition Reports (EICRs), Minor Electrical Works Certificates (MEW) and Building Regulation Part P notifications associated with remedial works from these reports and Electrical Installation Certificates and keep these for a period of not less than 10 years.

East Devon District Council will establish and maintain accurate records of all completed electrical Portable Appliance Test reports and details of associated completed remedial works and keep these for a period of not less than 5 years.

Competent Persons

East Devon District Council will ensure that the manager(s) with lead responsibility for operational delivery are appropriately qualified holding a recognised safety management qualification.

East Devon District Council will ensure that only suitably competent NICEIC Approved Electrical Contractors (or equivalently accredited) contractors are procured and appointed to undertake electrical inspection, testing, installation and repair works.

The operational team with responsibility for delivery will check the relevant accreditations for the work that they are carrying out as part of the due diligence checks carried out at the procurement of any new contract. These checks will be undertaken on an annual basis to ensure competency and training is up to date.

East Devon District Council will ensure that only suitably competent engineers are employed or appointed to undertake electrical portable appliance testing (PAT). The operational team with responsibility for delivery will check the relevant qualifications of persons undertaking PAT testing to ensure that they are certified as competent to carry out PAT testing. These checks will be undertaken on an annual basis.

Training

The manager(s) with lead responsibility for operational delivery will hold a relevant qualification in respect of electrical safety compliance management.

On the job training will be provided by an external provider to those employees who will be responsible for managing the programme of electrical installation inspections and repair works to electrical installations and portable appliances as part of their daily job and other employees within the Property & Asset Team.

Electrical Safety Information

East Devon District Council considers good communication essential in the safe delivery of electrical safety management and will therefore ensure that relevant information is provided to residents. East Devon District Council will develop on their website information and advice to customers regarding electrical safety and will publish this information through other outlets such as social media and in the Housing Matters Magazine.

Regulatory & Legislative Compliance

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 Homes & Communities Agency (HCA) in April 2012.

3 Policy Administration

Appendices and other relevant information

N/A

Links related Policies/Strategies, Procedures and Legislation

Legislation

This policy is written to ensure that East Devon District Council is compliant with the following legislation in respect of gas safety:

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Code of Practice

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- HSE INDG236: 'Maintaining portable electrical equipment in offices and other low risk environments'
- Code of Practice for the Management of Electrotechnical Care in Social Housing

Policy consultation

Housing Review Board

Policy review

March 2025 by the Compliance & Cyclical Servicing Manager

Recommendation:

5. That the Housing Review Board agrees to the policy within this report and recommends to cabinet that the policy is formally adopted by the Council.

Financial implications:

The proposed budget for 22/23 contains significant sums for electrical Repairs, inspections and updating, all costs associated with the above policy will be met by these budget lines.

Legal implications:

The legal framework is set out within the body of the report.