



Westfield Housing Association

Electrical Safety Policy & Procedure

1.0 Policy Statement

Westfield 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.

Westfield is also responsible for maintaining electrical installations and equipment in communal blocks and other properties which it owns under the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 2016.

The tenancy agreements held by the Westfield tenants may also contain further binding obligations on Westfield to ensure the safe supply of electricity in the properties.

Westfield adheres to the legislative requirements and those it is contractually bound by.

2.0 Purpose

Westfield must establish 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 must provide 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.

Westfield must ensure compliance with existing legislation in so far as it relates to electrical safety is formally reported at Board level, including the details of any non-compliance and planned corrective actions.

The policy is relevant to all Westfield 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.

It should be used by all to ensure they understand the obligations placed upon Westfield to maintain a safe environment for customers and employees within the homes of each customer, and within all communal areas of buildings and other properties owned by Westfield.

3.0 Definitions (if applicable)

- EICR – Electrical Inspection Condition Report
- SDM – Westfield Housing Association's IT Housing Software system.

- **NICEIC:** National Inspection Council for Electrical Installation Contracting – an organisation which regulates the training and work of electrical contractors in the UK.

4.0 Roles & Responsibilities

Westfield Board will have overall governance responsibility for ensuring the Electrical Safety Policy & Procedure Inspection and Testing Policy is fully implemented to ensure full compliance with the regulatory standards, legislation and approved codes of practice. The Chief Executive Officer will formally approve this policy. The Operation's Manager will ensure that it is reviewed every two years (or sooner if there is a change in regulation, legislation or codes of practice).

The Board and Chief Executive/Operation's Manager will receive regular updates on the implementation of the Electrical Inspection and Testing Policy 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.

The Chief Executive and Operation's Manager will receive reports containing compliance statistics in respect of electrical safety management performance and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.

The Property Services Officer has strategic responsibility for the implementation of electrical safety and ensuring compliance is achieved and maintained.

The Maintenance Services Officer will be responsible for overseeing the delivery of the agreed electrical safety programme and the prioritisation and implementation of any works arising from the electrical safety inspections. The Officer will ensure that the commissioned contractors deliver the programme in accordance with this policy.

The Housing Services Officer's will provide key support in gaining access into properties where access is proving difficult and use standard methods to do so. The Officer's will also facilitate the legal process to gain access as necessary.

The Operation's Manager will be responsible for ensuring the policy is reviewed every two years and will notify the Board. The Property Services Officer is the Policy lead and will carry out each review.

The Operation's Manager will ensure that this policy is saved on the organisation's shared drive and distributed to all relevant members of staff.

Competent Persons

The Property Services Officer will ensure that the contractor with responsibility for operational delivery is appropriately qualified; holding a recognised electrical safety qualification. They be Level 3 qualified in inspection testing and certification of electrical installations.

The Property Services Officer will ensure that the contractor with responsibility for operational delivery 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.

The Property Services Officer will check the relevant accreditations for the work that contractors and operatives are carrying out. These checks will be undertaken on an annual basis and will be evidenced appropriately.

Training

The Property Services Officer will ensure that all operatives working for, or on behalf of the organisation have the relevant training required for their role. This will be managed via periodic assessments of undertaken by the contractor's accreditation scheme.

5.0 Reporting & Risk

Robust key performance indicator (KPI) measures will be established and maintained to ensure appropriate monitoring in relation to electrical safety compliance.

KPI measures will be produced and provided at maintenance meetings on a monthly basis and Board level on a quarterly basis. As a minimum, these KPI measures will include reporting on:

- Properties with a valid 'in date' EICR. This is the level of compliance expressed as a number and a %
- Properties where the EICR has expired and is 'out of date'. This is the level of non-compliance expressed as a number and a %

Additional to the above KPI's regular (quarterly) checks will be made to ensure all properties are included on the electrical inspection and testing programme

Westfield will appoint a third party independent auditor to undertake quality assurance audits on a minimum 5% sample of electrical works and supporting documentation.

Westfield will carry out an independent audit of electrical safety at least once every two years. This audit will specifically test for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues for correction.

Westfield will work to use this process to identify those properties that are or could present a risk, in particular due to an expired EICR. Westfield will agree plans to deal with these properties to ensure the risk is minimized and the level of compliant properties can be at it's highest possible.

6.0 Legal Framework/References

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).

Legislation - the principle legislation applicable to this policy is the Landlord and Tenant Act 1985 the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 2016. Section 8 of the Landlord and Tenant Act 1985 sets out implied terms as to fitness for human habitation and Section 11 of the Landlord and Tenant Act 1985 places repairing obligations in short leases.

The Electricity at Work Regulations 1989 places duties on employers to ensure that all electrical equipment used within the workplace is safe to use. The Electrical Equipment (Safety) Regulations 2016 requires Landlords to ensure that any appliances provided as part of a tenancy are safe when first supplied. Westfield is the 'Landlord' by virtue of the fact that they own and manage homes and buildings housing tenants and leaseholders through the tenancy, lease and licence agreement obligations it has with the tenants and leaseholders.

Westfield will also ensure where possible it does not discriminate, directly or indirectly in pursuit of the aims of this policy and will continue to monitor this in line with its Public Sector Equality Duty and Equality Act 2010.

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

- IET Wiring Regulations British Standard 7671: 2018 (18th edition)
- The Code of Practice for In-Service Inspection and Testing of Electrical Equipment (ISITEE) 2012 (4th edition).
- HSE INDG236: 'Maintaining portable electrical equipment in low risk environments' (as amended 2013)
- Code of Practice for the Management of Electrotechnical Care in Social Housing (January 2019)

Sanctions – Westfield 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.

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

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
- Regulatory Reform (Fire Safety) Order 2005
- The Building Regulations for England and Wales (Part P)
- 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
- Construction, Design and Management Regulations 2015
- Data Protection Act 2018
- RIDDOR 2013- Reporting of Injuries, Diseases and Dangerous Occurrences Regs 2013
- Homes (Fitness for Human Habitation) Act 2018
- Equality Act 2010

7.0 Linked Documents

- Health and Safety Policy
- Responsive Repairs Policy
- Void Management Policy
- Equality, Diversity & Inclusion Policy

8.0 Electrical Safety Procedure

1. Associations Obligations

The Landlord and Tenant Act 1985 places duties on landlords to ensure that electrical installations in rented properties are:

- Safe when a tenancy begins, Section 8 (1a)
- Maintained in a safe condition throughout the tenancy, Section 11 (1b).

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.

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.

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.

The Electricity at Work Regulations 1989 places duties on employers that all electrical installations and appliances within the workplace are safe and that only competent persons work on the electrical installations, systems and equipment (Section 16).

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.

2. Statement of Intent

Westfield acknowledge and accept 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.

Westfield will hold accurate electrical safety inspection records against each property it owns or manages, identifying when the electrical installation was last inspected / tested and provide copies for tenants

Inspection and recommended re-inspection dates, along with EICR records will be held electronically on SDM.

Westfield has opted to deliver a comprehensive programme of testing and inspection to their different property types on a five- year cycle. This includes domestic properties, communal blocks and 'other' properties, as well as all new build properties. Westfield achieve the objective by April 2023 (i.e. all systems tested within the last five years at this date), and to manage a five year rolling programme of checks from this date.

A further electrical safety inspection will be undertaken sooner than the stated period if recommended by the competent person.

Westfield will ensure that all electrical installations shall be in a satisfactory condition following

completion of an electrical installation inspection and test. Westfield will ensure that any remedial works, C1, C2 or C3 works as identified during the normal course of an EICR are carried out as soon as practicably possible so as to ensure a satisfactory 5 year certificate can be obtained.

Westfield 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 on the date of change of tenancy. The new tenant will be provided with a copy of the EICR certificate.

Westfield will ensure that only suitably competent NICEIC electrical contractors and engineers (or equivalent) undertake electrical works for the organisation.

Westfield will ensure that all properties have a smoke alarm system with detector present on each story of the means of escape. Westfield is moving towards provision of hard wired smoke detectors across all stock, replacing battery detectors with hard wired detectors at the point of replacement. Westfield will also ensure a carbon monoxide alarm is fitted in any room used as living accommodation with a fixed combustion appliance excluding a gas cooker. Westfield will ensure compliance with Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (as amended).

Westfield will have a robust process in place to gain access should any customer or leaseholder refuse access to carry out essential electrical safety related inspection and remediation works. Said process for gaining access is detailed as part of the procedure.

Westfield will have a robust process in place to gain access to properties where customer vulnerability issues are known or identified whilst ensuring the organisation can gain timely access to any property in order to be compliant with this policy and safeguard the wellbeing of the customer. Westfield will also consider the implications of this against its Public Sector Equality Duty and the Equality Act 2010, including but not limited to considering reasonable adjustments in each circumstance.

Westfield 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. The same access process will be used and relied upon both for an initial report and or any remedial works.

Westfield will ensure that all contractors' employee and public liabilities are up to date on an annual basis.

Westfield will ensure contracts/service level agreements are in place with the contractors responsible for delivering the compliance service.

Westfield will ensure there are effective contract management arrangements in place, in the form of client-led meetings taking place regularly, with standard agendas and minutes produced, key performance indicators analysed and programmes and performance scrutinised.

Westfield carries out annual testing of all portable appliances. Currently there are no portable appliances owned by the association in tenanted properties and all testing relates to appliances in the Minto Centre (Offices and Nursery) or used by staff working remotely. An Asset Register is maintained by Maintenance Officer (who also manages the EICR programme) and holds details of all appliances which require testing including the next due date.

The Maintenance Officer is responsible for maintaining the Register including the removal and addition of portable appliances as necessary. The register is held at [G:\Corporate Information\Repairs and Maintenance\Portable Appliance Testing](#)

Testing is completed by one of Westfield's Approved Electrical Contractors with the appropriate qualifications/accreditations. The Maintenance Officer instructs testing by the Contractor at least one month in advance of due dates. Tests are ordered using the SDM repairs ordering system with costs and completion dates agreed with the contractor prior to the instruction of works. Access is arranged with Office/Nursery Staff as required.

The Maintenance Officer will monitor progression of works, liaising with the Contractor as necessary (e.g. with regard to any delays and/or issues). The contractor will label each appliance tested, which will detail date of test and the next due date. Certification is received within two working days of completion. The Maintenance Officer will electronically file certificates and update the register with test completion date and next due date.

Where an appliance fails a test, any repair work required will be discussed with the Contractor and instructed as appropriate. Where repair is not economic the Maintenance Officer will discuss removal/replacement of the appliance and progress as agreed. The register is updated to record any failures and any subsequent removal/replacement of appliances. Details of any new/additional appliances should be sent (emailed) to Maintenance Officer for addition to the Register.

Westfield will ensure that there is a robust process in place for the management of immediately dangerous situations identified from the electrical safety check.

Westfield will implement a robust process to deal with all changes to programme numbers, including new property acquisitions, disposals and stock transfers, in order to ensure that properties are not omitted from the compliance programme and to ensure the programme remains up-to-date.

Access Procedure

Initial access arrangements - The Maintenance Services Officer will oversee access arrangements working to ensure that safety tests are undertaken before the expiry date. The Officer will monitor due dates for inspections and send out an EICR Letter 1 at least 12 weeks prior to the due date to inform the tenant that the electrical contractor will be contacting them to make an appointment to carry out an Electrical Safety check.

The Maintenance Services Officer liaises with the electrical contractor regularly to ensure the safety checks are being completed in a timely manner. In the absence of the Maintenance Services Officer the Property Services Officer should liaise with the electrical contractor.

The electrical contractor must aim to appoint and complete the inspection at least three weeks prior to the due date. If access is not gained on the first appointed date then two further attempts should be made. All access attempts should be previously appointed by telephone.

If access is not gained after three attempts the contractor will refer the matter to the Maintenance Services Officer (at least three weeks prior to the due date). The Officer will follow the No Access Procedure below making a record of all contacts and arrangements on the Electrical Safety Testing Spreadsheet.

The Maintenance Services Officer must ensure that all non access letters and unsuccessful visits are recorded accurately and timely on the housing software and spreadsheet.

No Access Procedure - *to be instigated if contractor has not been successful in gaining access after three attempts*

EICR Letter 2 (sent first class or hand delivered)

To be sent following three unsuccessful attempts by the contractor to gain access, and at least three weeks prior to the inspection due date. The Officer should, where possible, seek to arrange an appointment by telephone and follow up with the EICR letter 2.

The letter should confirm/ include an appointment, contractors' contact details and information regarding the importance of the electrical check. The letter will confirm that the tenant will be charged if the appointment is not kept and will outline further legal action that will be taken if access is not achieved.

The letter should be recorded on the spreadsheet including the appointment date and a pop-up diary entry made on the tenants' file.

EICR letter 3 (sent first class or hand delivered)

This will be sent within one week of the EICR letter 2 appointment being missed and will include an invoice for the missed appointment. The letter advises tenants of the legal means of entry and asks they contact the office or contractor immediately to arrange an appointment.

At this point the relevant Housing Services Officer should be informed and should assist with contacting the tenant/arranging access. If access is still not gained a NSP is to be served as soon as possible. See section below 'Issuing Possession Proceedings' for further details.

Text messaging should also be used by the contractor and/or Maintenance Services Officer the night before any pre-arranged appointments.

There are two further methods that can be used to try to gain access **legal action:-**

Applying for an Injunction Order

If the tenant has repeatedly failed to grant access on at least 3 occasions to complete an electrical safety check then an Injunction order should be obtained through the courts. This must be initiated by the Maintenance Services Officer and assisted by the relevant Housing Services Officer.

An application for an injunction must contain the following:

- ✓ Full name of person making the claim.
- ✓ Full name of person the injunction is intended for.
- ✓ The proposed terms of the injunction
- ✓ Any proposed mandatory orders requiring acts to be done.
- ✓ Any further terms, asked for, including provision of costs.
- ✓ Names of all persons who have sworn affidavits or signed statements support the application. This is the personal account of the person who has been dealing with this matter, usually the Maintenance Services Officer and the electrical contractor. It must outline the full chronology of events that have been taken. It is important to convince the court that you have done all that you could, and must leave the court with no doubt that you are entitled to have the Order granted.
- ✓ Name and address of person of whom the injunction is to be served on
- ✓ Name and address of Westfield Housing Association

Attending the Injunction Hearing

The hearing is generally held in District Judges Chambers and is quite informal. If called upon the Maintenance Services Officer or Housing Services Officer will introduce themselves to the District Judge, explain what they are seeking, reasons why, and outline the steps taken to obtain access. It is not uncommon for the Judge to address the following questions to the officer:

- ✓ The dates that the electrical contractor attended
- ✓ Dates of all letters sent.
- ✓ Dates of any visits and outcome
- ✓ Details of any telephone calls made and outcome.
- ✓ Date of the electrical safety check
- ✓ Tenant's date of birth
- ✓ Whether anyone else lives in the property, if so ages and relationship
- ✓ Whether the tenant is working or in receipt of housing benefit/universal credit
- ✓ Whether there are any health or mental health issues
- ✓ Costs of how these have arisen.

If an injunction is granted the Judge will advise when the court order can be collected from the court and served on the property, the same day. If access is still not given, a further written request giving at least three more working days notice is left at the property advising that failure to provide access could result in forced entry.

If access is still not given, approval to gain entry by force will be applied to the Courts via Order. If granted, a letter will be left at the property advising the tenant a date for forced entry and the electrical safety check.. In attendance must be two Westfield officers, the electrical contractor and a locksmith..

Once access is obtained, a full inspection will be carried out.

If an inspection cannot be carried out due to a lack of an electrical supply, if applicable / the Association deems this to be of an emergency nature and presents risk, the electric should be capped off and the tenant advised to make contact as soon as the electrical supply is re-instated. The Maintenance Services Officer should inform the relevant Housing Services Officer who should try to engage with the tenant to provide help and advice. Children's Services should be informed if there are children in the property.

Issuing Possession proceeding

A Notice of Seeking Possession (NSP) can be issued on Ground 12 due to lack of access..

The object of an NSP is to tell the tenant what is wrong and give the tenant an opportunity to correct the position without the need for proceedings being issued.

The Maintenance Services Officer will liaise with the relevant Housing Services Officer first to discuss which legal option is the best way to go. If it is feasible to issue an NSP the Maintenance Services Officer will send a memo to the relevant Housing Services Officer to issue the NSP.

If this fails, then we will proceed to court with the Chief Executive's authority. If possession is granted the Association will obtain possession of the property on execution of the Bailiff's Warrant.

Compliance Follow up Work

Westfield will ensure there is a robust process in place for the management of follow-up works. Westfield will follow the same process as above in relation to access for any follow on works identified.

All EICRs and associated records and certification of completed remedial works will be

stored electronically on the G Drive and works required recorded on SDM (housing repairs system).

Westfield will complete all C1 and C2 defects identified at the EICR.

Where additional works are required during / following an EICR, the Contractor will email the Maintenance Services Officer and an additional job will be logged. The initial job for the EICR will only include the cost of the test.

C1 and C2 recommendations are completed at the time of the EICR (C1's completed within 5 working days and C2's completed within 15 working days) and jobs logged accordingly as per 8.4 and 8.5

C3 recommendations – minor C3 works (upto approx. £100) are completed at the time of the EICR as agreed on a case by case basis dependent on other costs incurred of C1 and C2 works required with the Maintenance Services Officer.

Larger C3 works are recorded on the EICR Master Spreadsheet by the Maintenance Services Officer and will be added to a programme of works to be completed within 12 months.

Void properties – all C1, C2 and C3 works are completed as part of the EICR during void works.

Record Keeping

Westfield will hold accurate records against each property on SDM (housing repair system) it owns or manages, identifying when the electrical installation was last inspected and tested.

Inspection and recommended re-inspection dates, along with EICR records are held on a centralised spreadsheet <..\..\Repairs and Maintenance\EICR - 5 year checks\EICR Spreadsheet MASTER.xlsx>.

Westfield will establish and maintain accurate records of all completed 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 as per the organisation's Data Retention Policy. They will be saved here: <..\..\Repairs and Maintenance\EICR - 5 year checks\EICR Reports>

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

Full details of No Access properties are also kept on the EICR Master Spreadsheet – held here <..\..\Repairs and Maintenance\EICR - 5 year checks\EICR Spreadsheet MASTER.xlsx>

Non-Compliance/Escalation Process

Any non-compliance issue identified at an operational level will be formally reported to the Property Services Officer in the first instance. The Property Services Officer will agree an

appropriate course of corrective action with the operational team in order to address the non-compliance issue and report details of the same to SMT.

The Chief Executive Officer will ensure the Board is made aware of any non-compliance issue so they can consider the implications and take action as appropriate. In cases of a serious non-compliance issue the Chief Executive Officer and Board will consider whether it is necessary to disclose the issue to the Regulator of Social Housing in the spirit of co-regulation, or any other relevant organisation such as the HSE, as part of the Regulatory Framework.

To be completed by Corporate Services Officer

Document Control

Business Owner (name & job title)	Helen Timney, Property Services Officer
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