

1.0 CONTEXT

- 1.1 Gas legislation exists to protect the health and safety of tenants, owners and members of the public from risks associated with gas appliances i.e. explosions, gas escapes and carbon monoxide poisoning.
- 1.2 75%¹ of GWHA traditional tenements/new build and high rise blocks contain gas appliances.
- 1.3 The Annual Gas Servicing (AGS) Policy and associated Procedures cover all GWHA tenanted properties containing gas appliances and supplies, and aims to ensure 100% compliance with the legislation, guiding standards and best practice. The Policy and Procedures (P&P) were strengthened following a lapse in procedural compliance², and incorporate recommendations from the independent Systems Audits³, SHR Thematic Inquiry⁴ and Housemark publication.⁵
- 1.4 After Second Stage Transfer (2ST) the AGS contracts had been delivered by City Building (2ST stock) and James Frew (non-2ST). Following a successful tender exercise, the AGS contract for all GWHA stock was awarded to City Building, commencing from December 2019.
- 1.5 This policy should be read in conjunction with GWHA Forced Access Policy, Delegated Authority Policy, Asset Management Strategy, Procurement Strategy and Corporate Plan.

2.0 AIMS

- 2.1 To evidence robust management systems which ensure compliance, transparency and accountability.
- 2.2 To demonstrate compliance with legislation, guiding standards and best practice.
- 2.3 To protect GWHA tenants, stock and members of the public and to minimise risk to the Association.

3.0 DEFINITIONS

3.1 Gas appliance

Gas fires (with or without back boilers), wall mounted gas boilers, gas tumble dryers, gas cookers and hobs.

3.2 Gas supply

Gas supply pipe work and/or gas meter (for which a soundness test will be carried out and certification produced).

3.3 Gas safe register

The official gas registration body for the United Kingdom. By Law all gas engineers and companies carrying out work on gas appliances must be on the Gas Safe Register and this certification verifies the engineer's qualifications to carry out work on gas appliances.

3.4 AGS

Annual Gas Servicing or Annual Gas Service.

3.5 CP12

'CORGI Pro-forma 12' - Landlord's Gas Safety Certificate. Named from when CORGI was the UK's statutory gas safety body – now the Gas Safe Register.

4.0 POLICY

4.1 General

- 4.1.1 GWHA is fully aware of its legal responsibilities in respect of AGS and will take all reasonable actions to ensure that risk to health and safety is mitigated. Robust management systems and protocols will ensure routine monitoring towards compliance with the statutory obligation of ensuring AGS is carried out in all properties once in every 12 month period, and that current CP12 certificates are available for all GWHA properties with gas appliances.
- 4.1.2 The Tenancy Agreement is explicit in terms of the requirement of tenants to provide access for the AGS inspection and this is reinforced at the tenancy sign-up and via the Tenants Handbook, Newsletters, Website and other relevant methods of communication

¹ 1120 properties

² Pre-2018: expired CP12s; and September 2020: 1x expired CP12

³ July 2021, March 2018 and October 2013

⁴ Gas and Tenant Safety in Scottish Social Housing (December 2017)

⁵ Fire Gas and CO Safety Regulations (2016)

- 4.1.3 Legal action will be taken where a tenant fails to co-operate and provide access for the AGS inspection. The Association will aim to recharge the tenant for all costs incurred in this process.
- 4.1.4 In accordance with the terms of the tenancy agreement, GWHA is entitled to force access to ensure the AGS inspection is carried out before the expiry date. GWHA will manage this in accordance with our Forced Access policy/procedures.
- 4.1.5 Only in the most extreme and rare circumstances (e.g. where there is imminent danger to persons or property) will the Association force access without having followed due process.

4.2 AGS Contractors

- 4.2.1 GWHA holds a list of all AGS contractors by name and gas safe reference number, with advance cross-referencing to verify gas safe registration and registration expiry.
- 4.2.2 The authenticity of all contractors and operatives will be verified by GWHA via the Gas Safe website.
- 4.2.3 Only engineers who have submitted copies of their cards, and are authorised by GWHA, may work on GWHA gas appliances. Copies of the Heating Engineer's Gas Safe registration cards must be provided to GWHA annually.

4.3 AGS Electronic Records/Database

- 4.3.1 An electronic AGS database containing a Register of Appliances will be maintained by GWHA to hold the following information:
 - a) Property address
 - b) Gas appliances/boiler types etc.
 - c) Date of last service
 - d) Date landlords certificate obtained
 - e) "No access" dates
 - f) Action taken
- 4.3.2 Access rights to update/amend the database will be restricted to key personnel⁶, with "read only" rights for remaining staff. The database will be monitored on a daily basis, with monthly audits by the Policy & Performance Coordinator, and reporting to the Services Director via monthly Performance & Supervision meetings.

4.4 AGS Service and Inspection

- 4.4.1 All gas appliances within GWHA properties will be serviced at least once in every 12 month period. The tenant will receive a printed receipt of the CP12 at time of AGS inspection, complying with the requirement for the tenant to receive a signed copy of the CP12 within 28 days of completion of the AGS inspection. A signed copy of the CP12 will be saved on the GWHA database and will be retained to cover a minimum 36 month period⁷, copies of which are available on request.
- 4.4.2 GWHA will instigate the AGS management process approximately 10 months following date of last service, to facilitate early communications with tenants to agree access arrangements or, where applicable, to exhaust enforcement actions up to and including forced access.
- 4.4.3 Access will be managed through the AGS Procedure (Appendix A) with failure to provide access managed as outlined in AGS Compliance Control Sheet/ Legal Pro-forma.
- 4.4.4 Tenants will be given the opportunity to allow access a minimum of 8 weeks before AGS due date and every effort will be made to ensure that the appointment system is flexible to minimise inconvenience.

4.5 Tenant Appliances

- 4.5.1 Although the responsibility for the servicing and inspection of tenant appliances (e.g. gas fires) is impacted by conflicting regulations⁸, such appliances (including gas cookers) tend to present a higher risk to safety than

⁶ Members of staff with AGS responsibility, plus Line Manager

⁷ Regulatory requirement – 2 years

⁸ Conflict between Gas Safety Installation and Use Regulations 1998 and Health and Safety at Work Act 1974 (Housemark)

the gas boiler. For this reason, during the AGS, and at no additional cost to the tenant, the following principles will be applied:

- a) A full service and inspection of gas fires (as this will be connected to a flue which the Association is responsible for servicing)
- b) A visual risk assessment of gas cookers/hobs

4.5.2 In all instances the contractor will advise via the Landlord's certification of "at risk" appliances. These will be recorded on the AGS "at risk" register and a letter will be issued to the tenant outlining action that will remove/minimize risk. Where a tenant owned appliance is deemed to be unsafe (gas fire/cooker) it will be isolated by the Engineer until repaired by the tenant. Temporary heating will be provided where necessary.

4.5.3 Installation of gas fires will not be approved in rooms designated as sleeping accommodation. A list of all properties with gas fires/back boilers will be held by GWhA, collated from information provided on the CP12. GWhA will alert tenants to the risks of sleeping in rooms with existing gas fires/back boilers (e.g living rooms with existing appliances) at tenancy sign up and via newsletter publications.

4.6 CP12 Remedial Works

4.6.1 Where remedial/additional works are identified within the CP12 and relate to GWhA appliances, the details will be noted on a works order which will be referenced to the Landlord's Certificate. The work may be issued to an alternative approved contractor.

4.7 Void Properties

4.7.1 All void properties will have a full CP12 carried out prior to re-let. AGS will also be completed for mutual exchanges prior to sign up, in addition to GWhA lets through the Housing Allocations Policy.

4.8 Acquisitions/Boiler Replacements

4.8.1 To minimise risk of AGS due date oversight, details of newly acquired/new build properties will be entered onto the GWhA database at handover; with AGS inspection and servicing scheduled in line with warranty. Likewise details of boiler replacements.

4.9 Performance Meetings

4.9.1 The frequency of performance meetings will be driven by the AGS inspection programme, but will be no less than monthly. Contractor performance will be assessed in advance of the meeting via the contractor monitoring template, and will be signed off by the Repairs & Factoring Manager.

4.9.2 Where a live portal is not available Contractors will provide e-mail updates on a regular basis (to be determined by the programme of works) to ensure performance can be tracked and post inspected.

4.10 Quality Control

4.10.1 Where a new contractor is appointed to carry out AGS, quality control checks will be carried out by another independent contractor (from the Association's approved list) as follows.

- a) year 1 - 25% of the first months' services
- b) year 2 - 10% of the first months' services
- c) year 3 - 5% of the first months' services

4.10.2 100% compliance in the first year will dispense with the requirement for quality control checks in subsequent years. An urgent meeting will be held with the servicing contractor where the quality control check identifies issues with the AGS inspection.

4.11 Invoicing

4.11.1 Contractors will invoice GWhA for provision of AGS servicing and management.

4.11.2 Invoices must clearly identify the properties serviced and will not be authorised for payment until reconciled against the schedule of works to ensure:

- a) CP12s have been received for all properties due to be serviced in the period.

- b) The Operative signing the Certificate has been approved by the Association
- c) Additional works etc have been highlighted and if appropriate actioned.
- d) The contract conditions have been adhered to.

4.11.3 The R&F Manager will be required to authorise payment of AGS invoices.

4.12 Breach of Contract

4.12.1 If the servicing contractor is in breach of the contract conditions, a report will be submitted in the first instance to the Services Director with a recommended course of action.

4.12.2 The servicing contractor will be notified of the Association's concerns in writing and generally all payment will be suspended whilst the matter is investigated.

4.12.3 Where the breach is considered to be particularly serious, a formal complaint will be lodged with Gas Safe Customer Complaints Department and notification copied to HSE⁹. The SHR will be alerted as a Notifiable Event.

4.12.4 In the event of a breach of contract, the emergency procedures at 4.13 will be invoked to ensure continued compliance with the regulations.

4.13 Emergency Contractor Arrangements

4.13.1 In the event of an emergency, servicing will be issued to an approved contractor with all relevant documentation. The alternative contractor must be authorised by the Services Director.

4.13.2 A meeting will be arranged with the new contractor at the earliest opportunity and the contract conditions will be agreed at the meeting. A contract will be established in line with this Policy and with the Association's standard Minute of Agreement for AGS contracts.

4.13.3 It is anticipated that a contract issued under these circumstances will be for a minimum of 6 months servicing (i.e. to ensure sufficient time to re-tender the AGS contract). The contract documentation will be authorised in line with the Delegated Authorities Policy and a retrospective report will be presented to the Management Committee.

4.14 Major Works & Investment Programme

4.14.1 GWhA's 2020 Energy Efficiency Strategy sets out an optimised plan for alignment with Scotland's Energy Efficiency Plan (SEEP) towards net Zero Carbon emissions. The major works and investment programme will consider, through modelling and feasibility studies, the optimum space heating and hot water solution, with EESSH¹⁰ investment and performance appropriate to achieving those goals.

4.14.2 Gas fires will generally be removed from properties when gas central heating is installed.

4.14.3 Where the tenant requests permission to retain a gas fire that belonged to the Association, a disclaimer passing ownership of the appliance to the tenant must be signed. Under these circumstances, the Association will continue to service the fire and the flue, but will not carry out repairs or maintenance works on either. The tenant will be responsible for the removal of the gas fire at such later date that this may be required.

4.14.4 Compensation for disruption will only be paid in exceptional circumstances and where the works are likely to be more disruptive than is normally the case. An example may include the replacement of a back-boiler in a living room with a condensing boiler that has to be located next to plumbing in a kitchen.

5.0 FEEDBACK AND COMPLAINTS

5.1 Feedback

5.1.1 GWhA tenants and other customers may provide feedback about this document by emailing admin@glasgowwestha.co.uk

5.2 Complaints

5.2.1 Tenants with a grievance arising from the AGS policy will be considered in accordance with GWhA's Comments and Complaints Policy.

⁹ Health and Safety Executive

¹⁰ Energy Efficiency Standard for Social Housing

- 5.2.2 Once the Association's Comments & Complaints Policy is exhausted, there is a right of appeal to the Scottish Public Services Ombudsman (SPSO). As the SPSO is unlikely to comment on matters of a legal nature, a review will focus on the proper application of the Association's policy, rather than the legalities of AGS.
- 5.2.3 If a tenant does not receive a copy of their CP12 within 28 days, they are entitled to contact us to request this. If this is still not provided then the tenant is able to make a complaint to HSE¹¹.

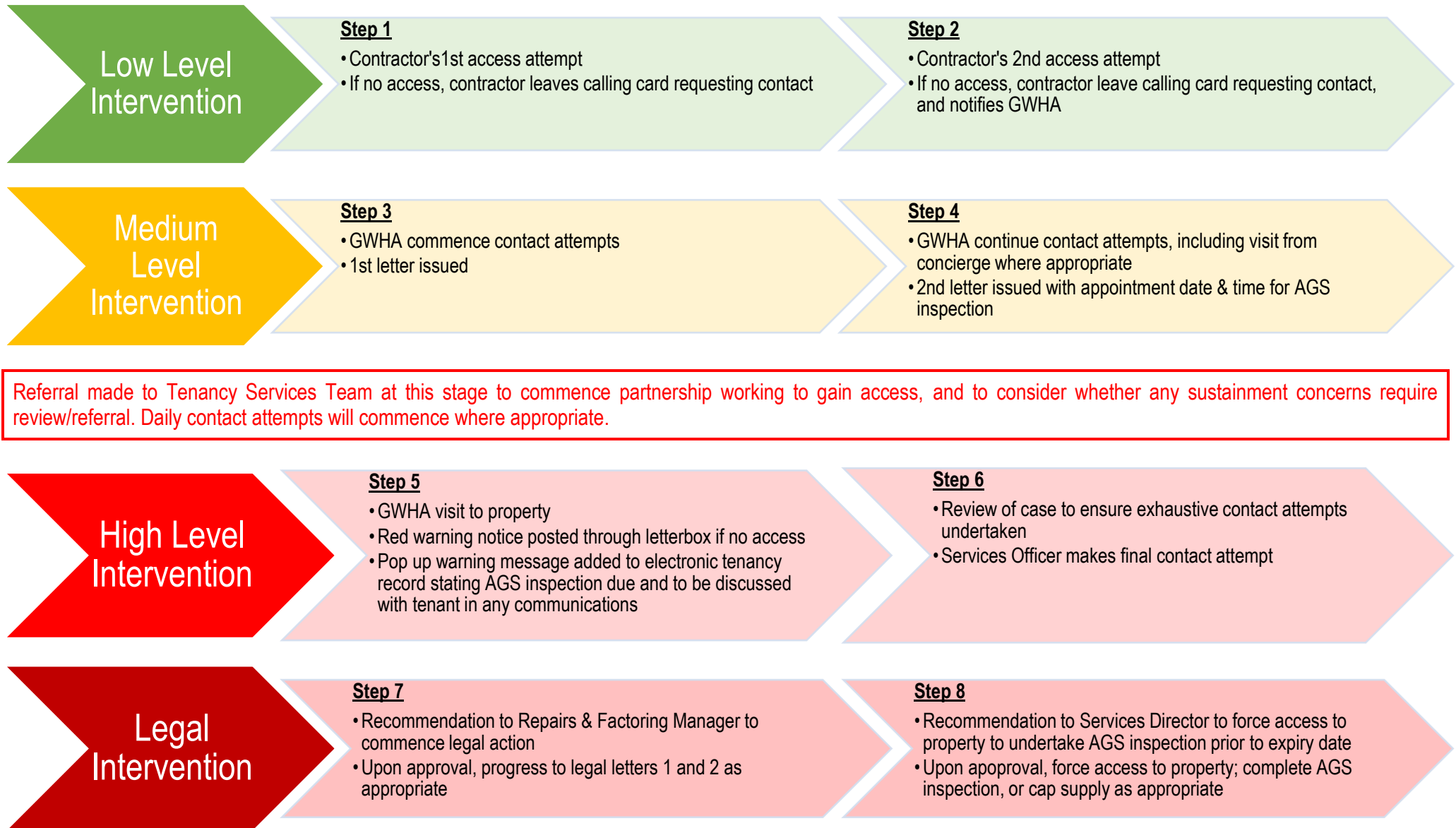
6.0 REVIEW

- 6.1 This Policy will be reviewed every 3 years, or sooner, subject to a change in legislation or circumstance.
- 6.2 The Policy, in parts, attempts to summarise current legislation. In any case of conflict between the two, legislation will always preside.

7.0 DELEGATED AUTHORITY

- 7.1 Authority is delegated to the Services Director, through the Chief Executive to ensure appropriate implementation of the policy and supporting procedures to ensure that risk is managed effectively and proportionately.
- 7.2 The Repairs and Factoring Manager has delegated authority to instruct solicitor as per legal intervention (Appendix A - step 7).
- 7.3 The Services Director has delegated authority to approve forced access and to appoint an alternative contractor in line with 14.3.
- 7.4 Specific policy execution authorities are confirmed in the Delegated Authority Policy.

¹¹ Health and Safety Executive



Referral made to Tenancy Services Team at this stage to commence partnership working to gain access, and to consider whether any sustainment concerns require review/referral. Daily contact attempts will commence where appropriate.

	CHECKLIST		LEAD	TARGET	TIMELINE
Low	Step 1	After 1 st no access contractor leaves calling card through door	Contractor	Start at 10 months and no access visits carried out over 2 week period	10 months after last gas service
	Step 2	After 2 nd no access, calling card left & GWHA notified	Contractor	Following 2 nd no access visit	7 weeks to deadline
Medium	Step 3	1 st letter issued and staff commence first contact attempts	GWHA: Services Officers (SO)/Administrators Concierge via intercom, where appropriate	Within 1 day of contractor notification re: 2x no access visits	6 weeks to deadline
	Step 4	2 nd letter sent out and attempts to contact tenant continue, including contact family members/ NOK ¹² / emergency contacts	GWHA: SO/Administrators/ Concierge, where appropriate	Exhaustive contact attempts: Telephone/ Text/ Email/ Liaise with concierge/ Known support networks & organisations etc.	5 weeks to deadline
High	Step 5	GWHA staff leave RED warning poster through letterbox and pop-up warning message on Homemaster	GWHA: SO/Administrators/ Concierge, where appropriate	Continue with exhaustive contact attempts/ Warning on Homemaster etc	4 weeks to deadline
	Step 6	Review of case to ensure exhaustive contact attempts undertaken, including final attempt at contact.	GWHA: SO	Final contact from SO 3 weeks prior to deadline	3 weeks to deadline
	Step 7	Recommendation to RFM to commence legal action. Upon RFM approval, instruct solicitor to <ul style="list-style-type: none"> - issue legal letter 1 - escalating to legal letter 2 if AGS inspection remains outstanding. Legal letter 2 to detail forced access date. <p>If AGS expiry date falls on a weekend or public holiday, forced access date shall be brought forward to the previous working day.</p> <p>Continue exhaustive contact attempts.</p>	GWHA: SO/ RFM	Final Step before forced access	1 st legal letter – 2 weeks to deadline 2 nd legal letter – 1 week to deadline
	Step 8	Recommendation to SD to proceed to forced access. Upon SD approval, force access in accordance with Forced Access Policy – 2x GWHA staff members in attendance, in addition to contractors. Complete AGS inspection, or cap supply as appropriate.	GWHA: SO/ RFM/ TST/ SD Contractor: Joiner/ Plumber		Day of expiry or previous working day.

¹² Next of Kin