Provanhall Housing Association Limited

POLICY
Gas Safety

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1. Introduction

1.1 Provanhall Housing Association (PHA) is a community focused not-for-profit registered social landlord operating in the Provanhall area of Easterhouse. The Association is governed by its Governing Body, with implementation of approved policies delegated to staff in accordance with PHA's Scheme of Delegation and Standing Orders.

1.2 This document sets out the Association's policy for the safe management of gas installations, appliances, flues and associated risks within properties for which PHA has responsibility. It should be read alongside the Gas Safety Procedure, which contains the detailed operational arrangements for annual checks, servicing, access, voids, mutual exchanges, remedial works, quality assurance and monitoring.

2. Policy Context

2.1 Unsafe gas appliances, fittings or flues can cause carbon monoxide (CO) poisoning, fire, explosion and gas escape. CO is particularly dangerous because it cannot be seen, tasted or smelled.

2.2 PHA therefore treats gas safety as a critical tenant and resident safety responsibility. The Association will maintain effective systems to identify relevant properties, complete required safety checks within statutory timescales, respond appropriately to reported gas concerns and obtain assurance that its arrangements remain effective.

3. Policy Objectives

3.1 The objectives of this policy are to ensure that PHA:

- complies with its duties as landlord under the Gas Safety (Installation and Use) Regulations 1998, as amended;
- maintains landlord-owned gas fittings, appliances and flues in a safe condition and arranges statutory gas safety checks at intervals of no more than 12 months;
- distinguishes between the statutory gas safety check and servicing/maintenance, while ensuring appropriate maintenance is undertaken;
- uses only suitably qualified Gas Safe registered engineers who are competent for the category of work undertaken;
- has robust arrangements for access, no-access escalation, vulnerable tenants, void properties, mutual exchanges, emergency reports and remedial works;
- provides appropriate assurance to the Governing Body and to the Scottish Housing Regulator through the Annual Return on the Charter and Annual Assurance Statement.

4. Legislation and Best Practice

4.1 PHA will comply with relevant legislation, regulatory requirements and guidance in force from time to time, including where applicable:

- Gas Safety (Installation and Use) Regulations 1998, as amended, including Regulations 36 and 36A;

- Health and Safety at Work etc. Act 1974, including the duty to conduct the undertaking so that tenants and others are not exposed to health and safety risks;
- Housing (Scotland) Act 2001 and the access and repairing obligations applying to Scottish secure tenancies;
- Housing (Scotland) Act 1987, including the Tolerable Standard requirements relevant to satisfactory carbon monoxide detection;
- Building (Scotland) Regulations 2004 and current domestic technical guidance relevant to combustion appliances and carbon monoxide detection;
- Equality Act 2010, Data Protection Act 2018 and UK GDPR where relevant to service delivery and records;
- Scottish Housing Regulator Regulatory Framework, Scottish Social Housing Charter technical guidance and published tenant and resident safety advice;
- HSE Approved Code of Practice and guidance on the Gas Safety (Installation and Use) Regulations 1998; and
- current Gas Industry Unsafe Situations Procedure and other recognised industry standards applicable to the work.

4.2 Where legislation or statutory guidance changes, the current legal requirement will take precedence over this policy and the associated procedure will be updated as necessary.

5. Equality, Diversity and Accessibility

5.1 PHA will deliver this policy fairly and without unlawful discrimination. In particular, the Association will have regard to the protected characteristics set out in the Equality Act 2010 and will make reasonable adjustments where required.

5.2 PHA will take account of known communication, disability, support, safeguarding or access needs when arranging appointments and enforcing access. Information can be provided in alternative formats or with interpretation support where reasonably required. Relevant personal information will only be shared with contractors where it is necessary and proportionate for safe service delivery.
(Cross reference: Equality and Diversity Policy; Privacy/Data Protection arrangements)

6. Complaints

6.1 Anyone dissatisfied with the way PHA has delivered this service may use the Association's Complaints Handling Procedure. Complaints will be handled in accordance with PHA's procedure, which is aligned to the Scottish Public Services Ombudsman model complaints handling approach.

6.2 A complaint will not normally delay action that is necessary to address an immediate gas safety risk or to meet a statutory safety requirement.
(Cross reference: Complaints Handling Procedure)

7. Governance and Delegated Authority

7.1 The Governing Body retains overall responsibility for obtaining assurance that PHA complies with its tenant and resident safety duties. The Chief Executive is responsible for ensuring appropriate organisational arrangements and resources are in place.

7.2 The Operations Manager is the internal gas-safety compliance lead and is responsible for ensuring that the Gas Safety Procedure is implemented and that material compliance issues are escalated. Day-to-day programme administration, monitoring, contractor liaison and operational escalation are undertaken by the Repairs & Asset Management team in accordance with the procedure.

7.3 Any failure to complete a statutory gas safety check within the required timescale will be reported promptly through PHA's management and governance arrangements and considered for any regulatory notification or assurance implications.
(Cross reference: Scheme of Delegation; Standing Orders; Gas Safety Procedure)

8. Key Performance Indicators (KPIs)

8.1 Gas safety performance will be monitored closely. The Association's overriding target is 100% statutory compliance. Performance information reported to management and the Governing Body will include, as appropriate:

- number and percentage of statutory gas safety checks completed within the legal deadline;
- any missed or late gas safety checks, the reason, immediate action taken and lessons learned;
- properties in the no-access escalation process and forced-access occurrences;
- overdue or safety-critical remedial actions;
- completion and issue of Landlord Gas Safety Records to tenants within required timescales;
- contractor performance, Gas Safe registration assurance and relevant contract issues; and
- results of internal and independent quality assurance checks.

9. Annual Return on the Charter (ARC) Indicator

9.1 The current Scottish Housing Regulator ARC gas safety indicator asks how many times in the reporting year the landlord did not meet the statutory obligation to complete a gas safety check within 12 months of a gas appliance being fitted or last checked. PHA will report this accurately in accordance with the current ARC Technical Guidance, including the reason for any failure where required.

9.2 PHA will also use the ARC return, Annual Assurance Statement process and internal assurance reporting to demonstrate that it has effective systems for gas safety and wider tenant and resident safety compliance.

10. Definitions

10.1 Landlord Gas Safety Record (LGSR): the statutory record of the gas safety check. The term “CP12” is commonly used in the industry but is not the statutory name of the record.

10.2 Gas safety check: the safety examination required by Regulation 36 of the Gas Safety (Installation and Use) Regulations 1998. It is not the same thing as servicing or maintenance.

10.3 Service / maintenance: work carried out to maintain an appliance or fitting in safe condition and good working order. PHA may combine servicing and the gas safety check operationally, but each requirement must be satisfied.

10.4 Relevant gas fitting / appliance / flue: as defined by the Gas Safety (Installation and Use) Regulations 1998 and applicable to the landlord’s responsibilities.

10.5 Anniversary date: the statutory deadline for the next gas safety check, taking account of the flexibility permitted by Regulation 36A where a check is completed within the permitted two-month window before the deadline.

11. Landlord Responsibilities

11.1 PHA will maintain in a safe condition all relevant gas fittings and flues for which it is legally responsible and will arrange gas safety checks for relevant appliances and flues at intervals of no more than 12 months. Where Regulation 36A is used, a check completed within the permitted two months before the deadline may retain the existing anniversary date.

11.2 Only Gas Safe registered engineers who are appropriately qualified for the work being undertaken will carry out gas work or statutory checks on behalf of PHA. Contractor and engineer competence will be verified and recorded.

11.3 PHA will retain gas safety records in accordance with Regulation 36. Where the Regulation 36A flexibility is used, records will be retained until two further checks have been carried out. Where a relevant appliance or flue is removed, the last record will be retained for the period required by the Regulations.

11.4 Existing tenants will be provided with a copy of the LGSR within 28 days of the check. New tenants will be provided with a current record before they move in. Electronic records may be issued where the tenant is content to receive them electronically and can access them; a paper copy will be provided on request.

11.5 PHA does not have a statutory duty to service or maintain a tenant-owned gas appliance that it did not provide. PHA remains responsible for landlord-owned installation pipework and any other part of the installation for which the law places responsibility on the landlord. Obvious unsafe situations encountered by an engineer will be dealt with in accordance with current gas industry unsafe-situations guidance.

11.6 PHA will ensure satisfactory carbon monoxide detection is provided where required by the Tolerable Standard and applicable building standards. CO alarm provision does not replace the requirement for maintenance and statutory gas safety checks.

11.7 For void properties, PHA will apply its Gas Safety Procedure and will ensure gas installations are left safe and that a valid gas safety record is available to the incoming tenant before occupation. Mutual exchanges will also be subject to the checks specified in the procedure.

11.8 PHA will maintain arrangements for staff and contractors who receive reports of gas escapes, fumes, suspected carbon monoxide, damaged gas fittings or warning notices to identify urgent risks, provide appropriate safety advice and escalate immediately. Reports of a suspected gas escape will be directed to the National Gas Emergency Service before local repair arrangements are progressed.

11.9 Tenants are required by their tenancy agreement to provide reasonable access for safety inspections and maintenance. PHA will take all reasonable steps to obtain voluntary access and will retain an audit trail of contact attempts. The Gas Safety Regulations do not themselves create a power of forced entry. Any forced access will therefore only take place in accordance with PHA's tenancy rights, the Gas Safety Procedure and applicable Scottish housing law, after reasonable opportunities for voluntary access and appropriate written notice, except where an emergency right of entry applies.

12. Quality Assurance

12.1 PHA will obtain proportionate assurance that its gas safety management system is operating effectively. This will include:

- checking the Gas Safe registration and relevant competence categories of contractors and engineers;
- contract management and monitoring of service delivery, no-access cases, remedial works and certification;
- checks on the completeness and accuracy of LGSRs and associated system records;
- independent, competent quality-control inspections on a risk-based and/or sample basis;
- periodic review of emergency call-handling arrangements, including staff and third-party competence to recognise gas-related danger signs; and
- audit and assurance activity reported through PHA's governance framework.

12.2 The volume and focus of independent checks may be varied by management in response to contractor performance, audit findings, changes in risk or other assurance information. Any significant defect or systemic issue will be escalated and corrective action tracked to completion.

13. Business Plan

13.1 Gas safety is a core landlord responsibility and a key part of PHA's commitment to safe, well-maintained homes. Appropriate resources will be reflected in business planning, procurement, asset management and financial planning so that statutory duties can be met consistently. (Cross reference: Business Plan; Asset Management Strategy)

14. Risk Strategy

14.1 Failure to manage gas safety can result in serious injury or death, legal enforcement, regulatory intervention, financial loss and significant reputational damage. PHA therefore treats compliance with statutory gas safety duties as a very low / no-appetite safety compliance risk.

14.2 Key controls include competent contractors, an accurate property and appliance database, early-start servicing programmes, daily monitoring, clear no-access escalation, management oversight, independent quality assurance, robust record keeping and prompt action on defects.

14.3 Any statutory non-compliance, recurring control weakness or overdue critical action will be escalated in accordance with the Risk Management Framework and considered in the Association's Annual Assurance Statement process. (Cross reference: Risk Management Framework / Risk Register)

15. Measuring Outcomes of the Policy

15.1 PHA will use a range of evidence to assess whether this policy is achieving its intended outcomes, including:

- programme and compliance monitoring;
- ARC and Annual Assurance Statement data;
- contractor performance and review meetings;
- quality assurance and audit findings;
- tenant feedback and complaints;
- incident, near-miss and remedial-work trends; and
- governance reporting and action tracking.

15.2 Where monitoring identifies a weakness, management will agree corrective actions with named responsibility and timescales and will report progress through the appropriate governance route.

16. Policy Review

16.1 This policy and the associated Gas Safety Procedure will be reviewed at least every three years, or earlier where required by changes in legislation, regulatory expectations, recognised good practice, audit findings, incidents or material changes to PHA's operating arrangements. The next scheduled review is October 2029.

17. Cross Reference: Documents

Gas Safety Procedure
Repairs & Maintenance Policy
Risk Management Framework / Risk Register
Equality and Diversity Policy
Data Protection / Privacy arrangements
Standing Orders / Scheme of Delegation
Asset Management Strategy
Complaints Handling Procedure
Procurement Policy
Business Plan