

# Tenant and Leaseholder Services

# Electrical Inspection and

# Testing Policy

## 1.0 Introduction

### 1.1

TDC 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.

### 1.2

TDC is the 'Landlord' by virtue of the fact that it owns and manages homes and buildings housing tenants/leaseholders through the tenancy, lease and licence agreement obligations it has with the tenants/leaseholders.

### 1.3

TDC is also responsible for maintaining electrical installations and equipment in non-domestic (communal blocks) under the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 2016.

## 2.0 Scope

### 2.1

This policy 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, provides assurance that measures are in place to ensure to identify, manage and/or mitigate risks associated with electrical installations and electrical portable appliances.

### 2.2

The policy is relevant to all TDC 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.

## 3.0 Regulatory Standards, Legislation, and Approved Codes of Practice

### 3.1 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).

### 3.2 Legislation

The principal 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. T Code of Practice – the principal 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)
- Electrical Safety Council: 'Landlords' Guide to Electrical Safety 2009'
- Code of Practice for the Management of Electrotechnical Care in Social Housing (January 2019)

### 3.3 Sanctions

TDC 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 and Safety Executive under the Health and Safety at Work etc Act 1974, Tenants and HRA Commercial Stock – TDC will use the legal remedies available within the terms of the tenancy agreement, lease or licence should any tenant or HRA commercial stock leaseholder refuse access to carry out essential electrical safety checks, maintenance and safety related repair works.

## 4.0 Additional Legislation

### 4.1

This Electrical Safety Policy also operates in the context of the following additional legislation:

- Health and Safety at Work etc Act 1974
- The Management of Health and Safety at Work Regulations 1999

- The Workplace (Health Safety and Welfare) Regulations 1992
- Management of Houses in Multiple Occupation (England) Regulations 2006
- Housing (Scotland) Act 2006
- 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
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013
- Homes (Fitness for Human Habitation) Act 2018
- Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

## 5.0 Obligations

### 5.1

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)

### 5.2

In order to be compliant under these duties electrical installations are required to be periodically inspected and will be tested no longer than 5 years from the previous inspection.

### 5.3

All electrical installations are inspected and tested prior to the commencement of any new tenancies (void properties or new builds), mutual exchanges and transfers, and a satisfactory Electrical Installation Condition Report (EICR) will be issued to the tenant prior to them moving in.

### 5.4

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

### 5.5

TDC 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. This test will take place on the date at which the new tenancy commences.

## 5.6

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

## 5.7

TDC has robust processes in place to gain access should any tenant refuse access to carry out essential electrical safety related inspection and remediation works.

## 5.8

TDC will actively communicate with tenants in relation to electrical safety.

## 5.9

TDC has controls in place to manage the completion of follow up works identified during inspection and testing of electrical installations.

## 5.10

All communal portable appliance equipment will be PAT tested annually.

## 6.0 Compliance Follow up Work

### 6.1

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.

### 6.2

TDC will, make safe and/or where possible endeavour to repair all code 1 and code 2 defects at the time of the periodic electrical installation inspection. Any code 2 works which can't be completed at the time of the inspection and test will be reviewed within 5 working days and completed as soon as is practicable. Code 3 type works will be referred back to TDC's Capital Delivery Manager for a decision.

## 7.0 Record Keeping

### 7.1

TDC holds accurate records against each property it owns or manages, identifying when the electrical installation was last inspected and tested.

### 7.2

Inspection and re-inspection dates, along with EICR records will be held electronically, along with EICR remedial works actions.

### 7.3

TDC 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. TDC will hold and maintain accurate records on the qualifications of all engineers undertaking electrical safety works for the organisation.

## 8.0 Key Roles and Responsibilities

### 8.1

TDC's Cabinet will have overall governance responsibility for ensuring the Electrical Safety Policy is complied with.

### 8.2

TDC's CMT will receive reports in respect of fire safety management performance and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.

### 8.3

TDC's Head of Tenant and Leaseholder Services has strategic responsibility for the management of electrical safety and for ensuring compliance is achieved and maintained. The Building Safety and Compliance Manager 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.

## 8.4

The housing teams will provide key support in gaining access into properties where access is proving difficult, and use standard methods to do so. They will also facilitate the legal process to gain access as necessary.

## 8.5

TDC's Head of Tenant and Leaseholder Services will be responsible for ensuring the policy is reviewed every two years, and will notify the CMT and relevant operational team(s) responsible for the delivery of the compliance programme, of the upcoming review.

## 9.0 Record Keeping

### 9.1

TDC will maintain a programme of non-domestic (communal blocks) and 'other' property surveys and re-inspections, and an Asbestos Register of all the asbestos containing materials by type, address, location and condition.

### 9.2

Survey and re-inspection dates, details of ACMs and asbestos management survey reports will be held electronically.

### 9.3

Details of all asbestos surveys undertaken on TDC's non-domestic (communal), domestic and other properties will be held on the Housing Management System. This will include the date of the most recent survey and/or re-inspection where applicable.

### 9.4

The findings from the asbestos survey, including any ACMs and remediation works identified and subsequently completed (including evidence of removal and encapsulation) should also be recorded.

## 10.0 Competent Persons

### 10.1

TDC will ensure that the manager with lead responsibility for operational delivery holds a suitable qualification. TDC will fund training as necessary so they gain this qualification and membership.

## 10.2

The operational team with responsibility for delivery 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 evidenced appropriately.

## 10.3

KPI measures will be produced and provided at service level on a monthly basis and to TDC's CMT and elected members on a quarterly basis. As a minimum, these KPI measures will include reporting on:

### **Data – the total number of:**

- Domestic properties with a valid 'in date' EICR (in line with a 5 year re-inspection period).
- Communal blocks with a valid 'in date' EICR (in line with a 5 year re-inspection period).

## 11.0 Quality Assurance

### 11.1

TDC will carry out 100% desktop audits on the documentation produced by the external contractor delivering the inspection and testing programme. TDC will appoint a third party independent auditor to undertake quality assurance audits on a minimum 5% sample of electrical works and supporting documentation. This sample will increase if issues are identified within the initial 5% sample.

### 11.2

Internal audit will test the compliance of electrical safety every 5 years or more frequently if necessary.

## 12.0 Glossary of Terms

This glossary defines the key terms used throughout this electrical safety policy:

### 12.1 EICR

Electrical Installation Condition Report (EICR) - a formal document that is produced following an assessment of the electrical installation within a property (domestic or communal). It must be carried out by an experienced qualified electrician or approved contractor.

### 12.2 NICEIC

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

The NICEIC is one of several providers given Government approval to offer Competent Person Schemes to oversee electrical work within the electrical industry.

### 15.0 Document Control

Date	Version	Action	Amendments
January 2024		Policy draft	
		EIA	
		Policy approved for adoption by cabinet	