

# Thanet District Council

## **Annex 3: Electrical Inspection and Testing Policy**

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# Electrical Inspection and Testing Policy

## 1.0 Introduction

- 1.1 Although the UK has a fairly good record on electrical safety, there are still over 30 deaths and nearly 4,000 injuries from electrical accidents that occur in the home each year. A large number are related to electrical maintenance or DIY activities. The major dangers to health from electrical accidents are from shock, burns, electrical explosion or arcing, fire, and mechanical movements initiated by electricity.
- 1.2 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.
- 1.3 TDC is also responsible for maintaining electrical installations and equipment in non-domestic (communal blocks) and 'other' properties (offices, commercial shops, depots, etc.) under the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 2016.

## 2.0 Scope

- 2.1 TDC 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 to TDC 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.
- 2.2 TDC must ensure compliance with electrical safety legislation is formally reported to the Chief Executive, including the details of any non-compliance and planned corrective actions.
- 2.3 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.
- 2.4 It should be used by all to ensure they understand the obligations placed upon TDC to maintain a safe environment for tenants and employees within the homes of each tenant, and within all communal areas of buildings and 'other' properties (owned and managed).

## 3.0 Regulatory Standards, Legislation, and 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. The Electrical Equipment (Safety) Regulations 2016 requires

Landlords to ensure that any appliances provided as part of a tenancy are safe when first supplied. 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.

- 3.3 Code of Practice – the principal approved codes of practice applicable to this policy are:
- IET Wiring Regulations British Standard 7671: 2018 (18<sup>th</sup> edition)
  - The Code of Practice for In-Service Inspection and Testing of Electrical Equipment (ISITEE) 2012 (4<sup>th</sup> 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)
- 3.4 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, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and via a serious detriment judgement from the Regulator of Social Housing.
- 3.5 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:
- 4.1.1 Health and Safety at Work etc Act 1974
  - 4.1.2 The Management of Health and Safety at Work Regulations 1999
  - 4.1.3 The Workplace (Health Safety and Welfare) Regulations 1992
  - 4.1.4 Management of Houses in Multiple Occupation (England) Regulations 2006
  - 4.1.5 Housing (Scotland) Act 2006
  - 4.1.6 Regulatory Reform (Fire Safety) Order 2005
  - 4.1.7 The Building Regulations for England and Wales (Part P)
  - 4.1.8 The Housing Act 2004
  - 4.1.9 The Occupiers' Liability Act 1984
  - 4.1.10 Health and Safety (Safety Signs and Signals) Regulations 1996
  - 4.1.11 Provision and Use of Work Equipment Regulations 1998

4.1.12 Construction, Design and Management Regulations 2015

4.1.13 Data Protection Act 2018

4.1.14 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013

4.1.15 [Homes \(Fitness for Human Habitation\) Act](#) 2018

## **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 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.

5.3 All electrical installations should be 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) should be issued to the tenant prior to them moving in.

5.4 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).

5.5 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.

## **6.0 Statement of Intent**

6.1 TDC 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.

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

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

6.4 Following the catch-up programme, as outlined within the EKH Recovery Programme, TDC has opted to deliver a comprehensive programme of testing and inspection to their different property types on a five year cycle. This programme will commence within the timescales set out within the Recovery Programme.

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

- 6.6 TDC will ensure that all electrical installations shall be in a satisfactory condition following completion of an electrical installation inspection and test.
- 6.7 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.
- 6.8 TDC will ensure that only suitably competent NICEIC electrical contractors and engineers (or equivalent) undertake electrical works for the organisation.
- 6.9 TDC will carry out electrical installation inspection and tests and issue new satisfactory EICRs when completing planned component replacement works within domestic properties.
- 6.10 TDC will test smoke alarms/CO alarms as part of the annual gas safety check visit (or at void stage) and replace these where necessary.
- 6.11 TDC will have a robust process in place to gain access should any tenant or leaseholder refuse access to carry out essential electrical safety related inspection and remediation works.
- 6.12 TDC will have a robust process in place to gain access to properties where tenant 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 tenant.
- 6.13 TDC will have a robust process in place to actively communicate with tenants in relation to electrical safety.
- 6.14 TDC 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.
- 6.15 TDC will ensure that all contractors' employee and public liabilities are up to date on an annual basis.
- 6.16 TDC will ensure contracts/service level agreements are in place with the contractors responsible for delivering the compliance service.
- 6.17 TDC 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.
- 6.18 TDC will PAT test any portable electrical appliances installed to the tenant at the outset of the tenancy, ensuring that they are PAT tested prior to letting. After that portable appliances will become the responsibility of the tenant'.
- 6.19 TDC will ensure that there is a robust process in place for the management of immediately dangerous situations identified from the electrical safety check.
- 6.20 TDC will implement a robust process to deal with all changes to stock, 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.

## **7.0 Compliance Risk Assessment/Inspection Programmes**

- 7.1 Risk assessment – TDC will establish and maintain a risk assessment for electrical safety management and operations. This risk assessment will set out the organisation's key electrical safety risks together with appropriate mitigations.
- 7.2 CDM - to comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM) a Construction Phase Plan will be completed for all repairs work to void and tenanted properties (at the start of the contract and annually thereafter), component replacement and refurbishment works where applicable.
- 7.3 Domestic properties – TDC will carry out a programme of electrical installation inspection and testing to all domestic properties. This inspection and test will be carried out at intervals of no less than five years (unless the competent person recommends the next test must be done sooner than this) and will include the issuing of a new satisfactory EICR. This inspection and test is driven from the anniversary date of the most recent EICR, which may have been carried out at the start of a new tenancy or following planned component replacement works. The five year inspection period will commence following a catch up programme, which is due to be completed within the timescales outlined within the EKH Recovery Plan.
- 7.4 Communal Blocks and 'Other' properties – TDC will carry out a programme of electrical installation inspection and testing to all 'communal blocks' and 'other' properties (shops, offices, depots, etc.), where there is a landlords' electrical installation (and TDC has the legal obligation to do so). This inspection and test will be carried out at intervals of no more than five years (unless the competent person recommends the next test must be done sooner than this) and will include the issuing of a new satisfactory EICR. This inspection and test is driven from the anniversary date of the most recent EICR which may have been carried out following planned component replacement works. The five year inspection period will commence following a catch up programme, which is due to be completed within the timescales outlined within the EKH Recovery Plan.
- 7.5 Commercial Stock Assigned to the HRA – TDC will ensure they have records of a valid EICR where properties they own or manage are managed by another person or organisation (i.e. are managed by managing agents). These properties will be included on the TDC electrical inspection and testing programme, so a new EICR can be requested from the managing agent prior to the existing one expiring. If the managing agent fails to carry out the electrical inspection and test, TDC will step in and carry out the test and recharge the managing agent for the cost of this work.

## **8.0 Compliance Follow up Work**

- 8.1 TDC 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.
- 8.2 TDC will ensure there is a robust process in place to collate and store all EICRs and associated records and certification of completed remedial works.

TDC will, as a minimum, make safe and/or where possible endeavour to repair all code 1 and code 2 defects identified by a periodic electrical installation inspection and test before leaving site after completing the inspection and testing works. Any C2 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. An EICR will be issued stating that the installation is in a satisfactory condition. Code 3 and F1 type works will be referred back to TDC's programme manager for a decision.

## **9.0 Record Keeping**

- 9.1 TDC will hold accurate records against each property it owns or manages, identifying when the electrical installation was last inspected and tested.
- 9.2 Inspection and re-inspection dates, along with EICR records will be held electronically.
- 9.3 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. Remedial works will be managed through an Excel Spreadsheet.
- 9.4 TDC will hold and maintain accurate records on the qualifications of all engineers undertaking electrical safety works for the organisation.
- 9.5 TDC will ensure robust processes and controls are in place to provide and maintain appropriate levels of security for all electrical safety related data.

## **10.0 Key Roles and Responsibilities**

- 10.1 TDC's Cabinet will have overall governance responsibility for ensuring the Electrical Safety Policy is fully implemented to ensure full compliance with the regulatory standards, legislation and approved codes of practice. As such the Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in regulation, legislation or codes of practice).
- 10.2 TDC's Cabinet will receive regular updates on the implementation of the Electrical Safety Policy and electrical safety performance 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.
- 10.3 TDC's Head of Housing and Planning has strategic responsibility for the management of electrical safety and for ensuring compliance is achieved and maintained. They will also oversee the implementation of the Electrical Safety Policy.
- 10.4 The 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.
- 10.5 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.
- 10.6 TDC's Head of Housing and Planning 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. They will ensure that this review process takes place before the policy expires in March 2022.
- 10.7 The Head of Housing and Planning will ensure that this policy is saved on the shared drive and distributed to all relevant members of staff.



## **11.0 Competent Persons**

- 11.1 TDC will ensure that the manager with lead responsibility for operational delivery is appropriately qualified, holding a recognised electrical safety management qualification. This will happen within 12 months of the approval of this policy or within 12 months of the start of employment for any new employee within this role.
- 11.2 TDC will ensure that the manager with lead responsibility for operational delivery maintains/gains 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.
- 11.3 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.

## **12.0**

## Training

- 12.1 TDC 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 training needs and resulting programmes of internal and/or external training.

### 13.0 Performance Reporting

- 13.1 Robust key performance indicator (KPI) measures will be established and maintained to ensure TDC is able to report on performance in relation to electrical safety.
- 13.2 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:

- Properties – split by domestic properties, communal blocks and 'other' properties;
- Properties on the electrical inspection and testing programme;
- Properties not on the electrical inspection and testing programme;
- Properties with a valid 'in date' EICR (in line with a 10 year re-inspection period). This is the level of compliance expressed as a number and a %;
- Properties with a valid 'in date' EICR (in line with a 5 year re-inspection period). This is the level of compliance expressed as a number and a %;
- Properties where the EICR has expired and is 'out of date' (according to a 10 year re-inspection period). This is the level of non-compliance expressed as a number and a %;
- Properties where the EICR has expired and is 'out of date' (according to a 5 year re-inspection period). This is the level of non-compliance expressed as a number and a %;
- Properties which are due to be inspected and tested within the next 30 days. This is the early warning system;
- The number of follow up works/actions arising from any tests/inspections, and the numbers 'completed', 'in time' and 'overdue'.

Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective action;
- Progress with completion of follow-up works.

### 14.0 Quality Assurance

- 14.1 TDC will carry out 100% desktop audits on the documentation produced by the external contractor delivering the inspection and testing programme. TDC will also undertake monthly work in progress/post inspections and/or request that external contractors do

the same and evidence upon request.

- 14.2 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.
- 14.3 TDC 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.

### **15.0 Non-Compliance/Escalation Process**

- 15.1 The definition of non-compliance in relation to this policy refers to any incident which results in a potential breach of legislation or regulatory standard, or which causes or has the potential to cause a significant a risk to health or safety.
- 15.2 Any non-compliance issue identified at an operational level will be formally reported to the Head of Housing & Planning in the first instance.
- 15.3 The Head of Housing & Planning will agree an appropriate course of corrective action with the relevant operational team(s) in order to address the non-compliance issue and report details of the same to CMT.
- 15.4 TDC's Head of Housing and Planning will ensure the Cabinet Member for Housing and Safer Neighbourhoods is made aware of any non-compliance issue so they can consider the implications and take action as appropriate.
- 15.5 In cases of a serious non-compliance issue TDC's CMT and Monitoring Officer 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.

### **16.0 Glossary**

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

EICR: Electrical Installation Condition Report - 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.

NICEIC: National Inspection Council for Electrical Installation Contracting – 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.