

Electrical Inspection and Testing Policy



Name	Electrical Inspection and Testing Policy
Owner	Dover District Council
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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 Dover District Council (hereafter referred to as Dover) 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 Dover 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.
- 1.4 At the time of drafting this policy, East Kent Housing (EKH) manages Dover's homes, communal blocks and other related assets (assets including offices, commercial shops, depots, etc that are assigned to the Housing Revenue Account) on their behalf, and so any reference to Dover (or Dover District Council) in this policy also includes EKH in relation to their operational delivery of services. EKH are the lead in respect of operational delivery as they are responsible for the day to day management of the assets, and Dover are the owner of the assets. On 1 October 2020 delivery will revert to Canterbury City Council and any reference to EKH will cease to apply.

2.0 Scope

- 2.1 Dover 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 Dover 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 Dover must ensure compliance with electrical safety legislation is formally reported to Dover Cabinet and EKH Board, including the details of any non-compliance and planned corrective actions.
- 2.3 The policy is relevant to all Dover 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 Dover 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. Dover 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 (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)
- 3.4 **Sanctions** - Dover 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** - Dover 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 Dover 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 Dover 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, Dover 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 Dover will ensure that all electrical installations shall be in a satisfactory condition following completion of an electrical installation inspection and test.
- 6.7 Dover 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 Dover will ensure that only suitably competent NICEIC electrical contractors and engineers (or equivalent) undertake electrical works for the organisation.
- 6.9 Dover will carry out electrical installation inspection and tests and issue new satisfactory EICRs when completing planned component replacement works within domestic properties.
- 6.10 Dover 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 Dover 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 Dover 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 Dover will have a robust process in place to actively communicate with tenants in relation to electrical safety.
- 6.14 Dover 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 Dover will ensure that all contractors' employee and public liabilities are up to date on an annual basis.
- 6.16 Dover will ensure contracts/service level agreements are in place with the contractors responsible for delivering the compliance service.
- 6.17 Dover 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 Dover will ensure that measures are in place to identify, manage and/or mitigate risks related to portable electrical appliances in any properties where Dover are responsible for these. This will be achieved through annual PAT testing (unless otherwise specified within the manufacturers recommendations).
- 6.19 Dover 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 Dover 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** - Dover 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** - Dover 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** - Dover 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 Dover 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** - Dover will ensure they have records of a valid EICR where properties they own or manage are managed by people or organisations other than EKH or Dover District Council (i.e. are managed by managing agents). These properties will be included on the Dover 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, Dover will step in and carry out the test and, where appropriate, re-charge the managing agent for the cost of this work.

8.0 Compliance Follow up Work

- 8.1 Dover 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 Dover will ensure there is a robust process in place to collate and store all EICRs and associated records and certification of completed remedial works.
- 8.3 Dover 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 completed within 5 working days and 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 Dover's programme manager for a decision.

9.0 Record Keeping

- 9.1 Dover 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 Dover 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 Dover will hold and maintain accurate records on the qualifications of all engineers undertaking electrical safety works for the organisation.
- 9.5 Dover 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 Dover's Cabinet and EKH's Board 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. Dover's 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 Dover's Cabinet and EKH's Board 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 Dover's Head of Assets and Building Control and EKH's Director of Property Services have 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 Dover's Asset Manager and EKH's Operations Manager of Maintenance and Compliance 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 Dover's Head of Assets and Building Control 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 Dover's Head of Assets and Building Control and EKH's Director of Property Services will ensure that this policy is saved on both organisations' shared drives and distributed to all relevant members of staff.

11.0 Competent Persons

11.1 Dover will ensure that the manager with lead responsibility for operational delivery is appropriately qualified and experienced, holding one of the following:

- Level 4 VRQ in Electrical Safety Management (or equivalent);
- A minimum of a level 4 qualification in a related subject such as Level 4 VRQ Diploma in Asset and Building Management Compliance.

Dover will fund training as necessary, so they gain this qualification and membership, if they do not have it at the time this policy is approved. 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.

11.2 Dover will ensure that the manager with lead responsibility for operational delivery within any contractor employed by Dover to undertake electrical testing and work 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 Dover 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 Dover is able to report on performance in relation to electrical safety.

13.2 KPI measures will be produced and provided at CMT level on an annual basis, and they will determine whether the measures will then be reported at Cabinet. 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 Dover will carry out 100% desktop audits on the documentation produced by the external contractor delivering the inspection and testing programme. In-house electrically qualified staff will also undertake monthly work in progress/post inspections and/or request that external contractors do the same and evidence upon request.
- 14.2 Dover 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 Dover 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 risk to health or safety.
- 15.2 Any non-compliance issue identified at an operational level will be formally reported to Dover's Head of Assets and Building Control and EKH's Director of Property Services in the first instance.
- 15.3 Dover's Head of Assets and Building Control and EKH's Director of Property Services 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 The CMT will ensure the Portfolio Holder for Housing 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 Dover's CMT and the Council's Chief Legal Officer will consider whether it is necessary to disclose the non-compliance 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 Approval

Strategic Lead: Head of Assets and Building Control (Dover District Council)

Sign/date: _____

Cabinet Chair: _____

Sign/date: _____

Cabinet Member: _____

Sign/date: _____

17.0 Glossary

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

17.1.1 **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.

17.1.2 **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.