



City of London Corporation

Department of Community & Children's Services

Housing Service

No Access Electrical Testing Policy

**CITY
OF
LONDON**

Approved by:	
Approval Date:	
Review Date:	

1. Introduction

The City of London Corporation (the Corporation) is committed to achieving and maintaining the highest standards of safety in its homes. We have a legal obligation to carry out five yearly electrical safety checks in our tenanted properties and, in addition, we seek to ensure that electrical appliances in our properties are used and maintained safely.

Improperly maintained electrical systems can cause death, serious injury or destruction of property. This policy outlines how we will meet our legal obligations and it provides information to residents on their responsibilities in relation to electrical safety in their homes.

2. Aims of this Policy

This policy aims to:

- support our aim of achieving 100% compliance with five yearly electrical safety checks
- outline our electrical safety responsibilities
- make residents' responsibilities clear to them
- explain what enforcement action we will take for non-compliance

3. Scope

This policy applies to all the Corporation's housing estates which form part of the Housing Revenue Account (HRA) or, which are managed as part of the HRA. It also applies to the Corporation's Almshouses and Gresham Almshouses, which we manage on behalf of the respective trusts.

4. Policy Statement

We take electrical safety in our homes very seriously and we expect our residents to cooperate with us to ensure that we can meet our legal obligations as landlord. We also expect leaseholders who sub-let their properties to meet their legal obligations in relation to electrical safety.

Most of our properties are in purpose-built blocks of flats and if an electrical emergency occurs, it could affect multiple households and have severe consequences.

We take non-compliance with electrical safety measures very seriously and will take legal action against those residents that do not allow access to their homes for five yearly electrical safety inspections, or anyone who does anything to modify, alter or

interfere with any electrical services or installations without the appropriate consents or approvals.

5. Our Obligations as Landlord

We are under a duty to ensure that all reasonable steps (including appropriate Court action) are taken to gain access to our tenanted properties for the purposes of carrying out the five-yearly check.

6. Tenants' Obligations

In summary, tenants are obliged to:

- allow or arrange entry into the property for the five yearly check to be completed before the current certificate expires
- respond promptly to contact regarding access arrangements
- keep any electrical appliances in a safe condition

Failure to allow access for the five yearly safety check is a serious breach of tenancy and may result in legal action being taken against the tenant, which ultimately could result in them losing their home.

Tenants must allow us access to their home.

7. Leaseholders' Obligations

Whilst leaseholders are not obligated to undertake a 5-year check, they are encouraged to do so via the Corporation's communications.

We offer the option for leaseholders to pay for an electrical safety check via our appointed contractor at a competitive rate.

Please also refer to Section 11 'Forced Entry'

8. Leaseholders' Duties to Sub-Tenants

Leaseholders who sub-let their properties have the same legal obligations as any landlord.

More information on landlords' obligations can be found on the Health and Safety Executive website: www.hse.gov.uk/gas/landlords

9. Access for the Five Yearly Check

In accordance with the terms of their tenancy, tenants are obliged to allow access for the safety inspections to be carried out by the Corporation, or its agents or contractors.

We will be as flexible as we reasonably can be when it comes to setting appointments for access.

We expect tenants to cooperate with us and our contractor when we are seeking to arrange access and to take steps to rearrange appointments if they are not convenient.

We will write to tenants to inform them of the electrical safety check and ask them to call to make an appointment that suits them. If no appointment is made, we will write with details of an appointment date requesting access and giving the tenants the opportunity to re-arrange if not convenient. If we cannot gain access after making an appointment, the matter will be escalated to enforcement action (refer to Section 10). If a tenant is no longer able to keep an agreed appointment, it is their responsibility to rearrange it. We may charge for missed appointments (where a contractor turns up at the property and access is not provided) in accordance with the tenancy agreement. For electrical testing, a missed appointment charge will be £65.00 which is made up of £50.00 we have to pay the contractor and a £15.00 administration fee.

10. Failing to Provide Access – Enforcement Action

When a tenant refuses or otherwise fails to provide access (and there are no known tenant vulnerabilities or other genuine reasons for not providing access), we will take enforcement action against them. This may include:

- Injunction proceedings requiring access to carry out the check
- Possession proceedings for breach of tenancy
- County Court Judgment for missed appointment charges

We may commence injunction, possession and money judgment proceedings simultaneously.

We will seek to recover any legal costs from the tenant.

11. Forced Entry

In an emergency – which we define as a believed or actual risk of personal harm or damage to property - we can force entry into a property (tenanted or leasehold). We will take all reasonable steps (within the timeframe available) to avoid having to do this including, seeking advice from the Comptroller & City Solicitor and informing any relevant agencies. However, if an emergency occurs (especially at night or over the

weekend) it may be necessary to act immediately. Depending on the circumstances, the cost of a forced entry may be recharged to the respective tenant or leaseholder.

12. Vulnerable Tenants

We recognise that some residents may require extra support and reassurance to enable them to comply with the terms of their tenancy in relation to allowing access to their homes. We will provide appropriate support, while balancing this with our obligation to complete the five yearly electrical safety checks and our duty to ensure the safety of neighbouring residents.

13. Timing of Checks

We are required to carry out an electrical safety check at least every five years, though we begin the process of gaining access some time before this to allow for any problems.

We will also carry out an electrical safety check on all properties when they are vacant.

14. Complaints

Any complaints about the application of this policy, or any aspect of our service relating to electrical safety and no access, will be addressed via the housing complaints procedure. Please see the Complaints Policy for more details.

15. Policy Exceptions

In exceptional circumstances, we may consider a variation to this policy. This will depend on the individual circumstances of the case. The decision and its reasoning can be provided in writing on request.

16. Monitoring and Performance

We will monitor our use of this policy and the way in which it is implemented, ensuring that any relevant information is reported at appropriate intervals.

17. Training

We will provide all staff responsible for implementing this policy with comprehensive training as required.

18. Equality and Diversity

This Policy has been subject to a full Equalities Analysis and will be implemented in accordance with our responsibilities and duties under relevant legislation, including the Equalities Act 2010.

19. Accessibility

We will ensure that residents' needs are considered when implementing this Policy to ensure that they are treated fairly. We will make appropriate arrangements to ensure that residents with communication needs are not unreasonably and disproportionately affected. This could involve providing communications in alternative languages or formats or providing interpretation or transcription as appropriate.

20. Data Protection and Information Exchange

We will comply with our obligations under relevant data protection legislation and regulations. We will process and store personal information securely.

There are some circumstances in which we are required by law to disclose information given to us.

21. Policy Review

We will review this policy at least every three years, or following relevant changes to legislation, regulation or policy.

22. Legislation & Guidance

- Health and Safety Executive - [Approved Code of Practice and Guidance](#) on the 1998 Regulations

23. Supporting Documents

- Copy of Final Reminder Letter