



£½ billion of public money will be wasted in the next decade!

Re-engineer social value - the case for change

Background

Under the Gas Safety (Installation and Use Regulations) 1998 (“the Regulations”), landlords are required to:

“ensure that each appliance and flue to which that duty extends is checked for safety within 12 months of being installed and at intervals of not more than 12 months since it was last checked for safety.”

However, registered providers of social housing do not have power of entry, even at the end of an exhaustive process. Remaining compliant is a heavy burden on social housing providers, as the current legislation does not take into account the background conditions, including the enormous unnecessary cost of compliance. Nor does it provide supporting legislation to equip housing providers to deal with this on a practical, cost-effective level.

Home Group, a national Registered Provider of social housing, with 55,000 properties housing over 120,000 tenants, in collaboration with the Association of Gas Safety Managers, representing two million social housing homes, are lobbying to bring about positive change and benefits which will deliver value for money in the social housing sector. This paper summarises the issues and potential solutions, demonstrating significant amounts of public money are being wasted. This money could and should be spent on providing homes and to help eradicate fuel poverty.

What’s wrong at present?

The available legal remedies are not fit for purpose, as ultimately there is at present no legal right to force access even after protracted, labour-intensive efforts to gain access. Additionally, the fixed 12 month servicing period results in inefficient costly practices. The health and safety of those living in and around social housing is being compromised because of the potential incidents resulting in carbon monoxide poisoning and actual explosions. Additionally, there is an increase in fuel poverty due to the inefficient running of gas appliances.

Our proposed solutions

1. A direct power of entry for Registered Providers could be achieved by amendment to the Gas Safety (Installation and Use Regulations) 1998. This is the only appropriate means to bring about statutory change. The changes to the Regulations would be minimal, but the impact would be significant. Home Group has consulted with leading counsel, the Judiciary and both in-house and leading private practice social housing lawyers, who are all supportive of our position, as are a number of other leading social housing providers.

2. An MOT style of safety check/Landlord's Gas Safety Record, where the anniversary date is preserved. In the same way that it is carried out for car MOTs, this precedent has already been set by the Transport Department. It would help providers run efficient processes by maintaining the same date each year. Busy winter periods could be avoided and properties in the same postcode area could be grouped. The current average 10.5 month programmes could be increased, i.e. if you do the check one month prior to the preserved date - the certification is valid for the 13 month period, resulting in one less service every nine years.
3. A clear definition of "reasonable steps" as presently it is open to interpretation and each magistrate or judge may have a different opinion. It gives the provider no clear rules and therefore results in misinterpretation, lack of consistency and organisations having to go above and beyond what out to be required.

Conclusion

The current situation adds no value and is unsustainable; it doesn't keep the public safe and is wasting public money. The sums involved are huge, this money could be redeployed to tackle both fuel poverty and provide much needed housing.

The supporting calculations demonstrate that circa. £49m pounds a year is being wasted on these activities - **that's £½ billion pounds over the next decade!**