

## CIH response to the consultation and call for evidence on electrical safety in the social rented sector

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### Overview of our response

We welcome these proposals, which would bring the electrical safety requirements for social housing in line with those already in place for the private rented sector. Residents' safety is the primary concern of social landlords, and many are already conducting electrical installation checks every five years. The introduction of a legal requirement will bring clarity and help landlords gain access more easily to conduct these checks. These new requirements should be designed carefully to avoid introducing unnecessarily burdensome new obligations for social landlords.

### CIH response to consultation questions

#### **Question 1 (a): Do you agree that mandatory inspection and testing at least every five years of electrical installations should be a legal requirement in the social rented sector?**

**Response:** Yes

Social landlords are committed to ensuring that the homes they provide for their residents are safe. This includes ensuring that the electrical installations in those homes are safe. According to a survey of our member opinion panel, 79 per cent support a requirement to carry out regular inspections on electrical installations every five years. Many social

landlords are already conducting these checks voluntarily; having clear legal requirements and greater powers to achieve access for these checks will be a clear benefit for the sector.

**Question 1 (b): If yes, should it be a requirement that a copy of the EICR report be issued to social residents within 28 days, or to any new tenant before they occupy the property?**

**Response:** Yes

Residents have a right to know important safety information about their home, such as the quality and standard of electrical installations. The EICR report must state clearly whether any safety concerns were identified during the inspection, explain the issue and any risks presented in non-technical language, and give clear timescales for any remedial or investigative work required.

We agree that it is reasonable and sensible for an EICR report to be provided within 28 days of an inspection and to any new tenant before occupation.

**Question 2 (a): Do you agree that PAT testing of appliances provided by social landlords should be a legal requirement?**

**Response:** Yes

We agree that social landlords bear some responsibility for ensuring that any appliances they provide are safe for residents to use. Regular PAT testing of appliances provided by social landlords is a reasonable approach to ensure this. This is particularly important given that the provision of appliances is more common in supported housing, where residents tend to be more vulnerable and may be at greater risk were a fire to start in their home.

However, as noted in the consultation document, only around 2% of social tenancies are furnished, meaning that most residents supply their own white goods. We are concerned that the additional resources required to PAT test appliances provided for residents may make landlords even less likely to supply them. We have shared [good practice](#) from landlords who provide furnished tenancies and will continue to support campaigns to increase the provision of essential appliances across the social rented sector. This is increasingly important given the ongoing cost of living crisis, which will mean more households living in social housing may struggle to buy or replace essential appliances.

**Question 2 (b): Do you agree that the frequency of PAT testing should be determined according to risk assessment, but that evidence of PAT testing must be provided with an EICR certificate to ensure PAT testing is completed at least every five years?**

**Response:** Yes

Residents' safety must be the first concern in these proposals. We therefore agree that the frequency of PAT testing should be determined according to a risk assessment.

There is a chance that the increased cost and resource burden of introducing PAT tests may make some landlords even less likely to consider providing white goods in social homes. We would therefore encourage consideration of the resource burden when determining the required frequency of PAT testing (although this should not supersede the outcomes of any risk assessment). On this basis, requiring evidence of PAT testing every 5 years is a sensible suggestion as it may allow landlords to combine PAT testing with electrical installation inspections, reducing the need for multiple visits to each property.

**Question 3: Do you agree that PAT testing of residents' personal appliances should not be a legal requirement?**

**Response:** Yes

PAT testing residents' personal appliances would create significant challenges for landlords. As noted in the consultation document it could be invasive, requiring residents to identify all relevant appliances, and would require significant professional resource to complete all the necessary tests. It would also be difficult to determine how to respond to any issues identified; landlords should not be expected to cover the cost of fixing or replacing residents' personal appliances or to enforce a requirement on residents. Landlords we consulted with in developing our response would expect significant issues in gaining access to residents' properties to conduct PAT tests on their personal appliances.

**Question 4: Do you think a legal requirement for electrical safety checks would improve landlord access to properties to carry out checks?**

**Response:** Yes

Gaining access has been noted as an issue by landlords which already conduct 5-yearly electrical installation checks. Having a legal requirement should help improve access. Landlords are more successful in gaining access for gas checks, which are legally required, than for electrical safety checks; following a consultation with social landlords,

[Electrical Safety First reported](#) that the first time access rate for conducting electrical safety checks was 60%, whereas the first time access rate for gas checks was 90%.

In many cases legal enforcement powers will not need to be used; by creating a legal requirement, government will emphasise the importance of conducting electrical safety checks and this should help to encourage residents to allow access. To assist in this, the government should share information to explain why these checks are important and how they will help keep residents safe.

However, although as noted above social landlords are more successful in gaining access to complete legally-required gas safety checks, they do not manage to gain access first time in every instance. We expect the same would be the case for electrical safety checks. The new legal requirement must come with adequate powers for social landlords to gain access. We would encourage the government to include an 'MOT style' approach to this requirement, as created for gas safety checks through the Gas Safety (Installation and Use) (Amendment) Regulations 2018, which would allow for checks to be carried out up to one month before the expiry of the current record but with the new record dated to be valid for a full five years from the end of the current record.

**Question 5: Do you think there is more that government could do to ensure social landlords are able to access properties and carry out these checks?**

**Response:** Yes

Landlords should be given powers to gain access for electrical checks similar to those in place for gas safety checks. As noted in response to question 4, government should carefully design the new requirements to best support social landlords in gaining access. It should also share communications explaining the importance of these checks and how they will help keep residents safe. There may be scope for the government's new [Social Housing Quality Resident Panel](#) to support with this.

**Question 6: Do you agree that the Guide for landlords offers suitable advice for landlords to identify competent and skilled inspectors, and could be applied to the social rented sector?**

**Response:** Yes

We agree that the Guide provides useful advice to assist social landlords in identifying competent and skilled inspectors.

**Question 7: Should any requirements be introduced in a phased way as exemplified above? (For new tenancies in the first year once regulations are made, and for all tenancies in the following year)**

**Response:** Yes

We agree that it is sensible to introduce these requirements in a phased way to avoid excessive peaks and troughs in demand. This would also allow some time for skills to be built up in the sector to meet the increased demand for electricians qualified to complete these checks.

**Question 8: Would 28 days be a sufficient period for social landlords to complete any remedial works?**

**Response:** Yes

We agree that 28 days would be sufficient for social landlords to complete any remedial works classed as C1 (danger present), C2 (potentially dangerous) or F1 (further investigation required, where there has been an observation that could reasonably be expected to reveal danger or potential danger). We would expect issues that put residents at risk to be resolved as quickly as possible.

Landlords should not be required to complete remedial works on any issues classified as C3 (improvement recommended) within 28 days. These issues should not place residents in danger and as such could more efficiently be completed by being included within landlords' programmes of planned works.

**Question 9: Should any regulations introduced be enforced by local housing authorities?**

**Response:**

Local housing authorities already have some enforcement powers related to electrical safety in the social rented sector, in responding to electrical issues classed as a Category 1 hazard under the Housing Health and Safety Rating System (HHSRS). However, we have concerns about the proposal for local housing authorities to enforce any new regulations. Firstly, many local authority enforcement teams are already stretched for resources and would struggle to meet this additional burden without additional funding and staffing. Government must provide sufficient additional funding for local authorities to meet any new enforcement burdens. Secondly, as noted in the consultation document, stock-owning local authorities cannot take statutory enforcement action against themselves in respect of their own homes. This would create a gap in the system for stock-owning local authorities.

We would suggest that the government consider the potential for enforcement to be conducted by the Health and Safety Executive (HSE). The HSE currently enforces gas safety requirements in residential buildings; mirroring the arrangements for gas safety in the social rented sector in any new electrical safety requirements would be a sensible approach. This would require suitable legislation to extend the remit of the HSE and additional resources sufficient to cover the additional workload.

Furthermore, the Regulator of Social Housing should treat electrical safety checks in the same way as they do gas checks. Landlords should self-report if they fail to meet requirements. The Regulator can then consider whether a regulatory downgrade would be required.

However these regulations are enforced, care should be taken to avoid duplicated effort between local housing authorities, the Regulator of Social Housing and the Health and Safety Executive.

**Question 10: Do you agree that the penalty for non-compliance of any regulations introduced should be a civil penalty of up to £30,000?**

**Response:** No

We are not in favour of using fines as an enforcement measure against social landlords. The majority of social housing providers are not-for-profit organisations (including 96% of private registered providers); any surplus they make is reinvested in providing services to their residents and in the delivery of new homes. Therefore, a financial penalty would ultimately affect social residents or households in need of a social home.

Were any fines to be introduced, it should only be for organisations which have shown a blatant disregard for resident safety in failing their duties.

**Question 11: Would you support the introduction of a mandatory requirement for electrical installation checks in owner-occupier properties within social housing blocks?**

**Response:** Yes

We would support the introduction of a mandatory requirement for electrical installation checks in owner-occupier properties within social housing blocks, if a method of implementing this was developed which did not introduce burdensome additional costs to social landlords. We agree that electrical faults in such properties would put social housing residents in the rest of the building in danger and that mandatory electrical installation checks would help to reduce this risk.

**Question 12: If yes, do you agree this requirement should apply every five years?**

**Response:** Yes

It would be sensible to apply the same risk-informed timescales to owner-occupier properties within social housing blocks as apply to social housing and private rented properties.

**Question 13: What are your views on whether this requirement should be placed on owner-occupier leaseholders or their freeholders?**

**Response:**

In our view, this requirement should be placed on owner-occupier leaseholders. The cost of conducting these checks would be an additional burden for social landlords, at a time when they must already factor in the competing demands of new building safety requirements, decarbonisation measures and increased operating costs whilst also building new affordable homes. Furthermore, we would expect significant issues in gaining access to complete these checks, even if a legal requirement were introduced. If the requirement is not simply placed on the owner of the property, it could become confusing to determine who has the responsibility for conducting these checks in cases where leaseholders sub-let to the ultimate tenant.

**Question 14: If this requirement were to be placed on the owner-occupier, do you have any views on how it should be enforced?**

**Response:**

Leases should include a requirement to provide the freeholder with an EICR report and proof of any necessary remedial works being completed. To improve the likelihood that checks will be completed on time, a record of a recent electrical installation check and (where needed) subsequent remedial works could be required when renewing home insurance in these properties and when selling a property.

If local authority teams were to be responsible for this enforcement, as for the private rental sector, they would need to have complete data on all social housing-owned tower blocks within their boundaries and adequate resources to complete this additional work.

**Question 15: Do you have any views on how best to minimise the cost burdens of extending these requirements to owner-occupying leaseholders in social housing blocks?**

**Response:**

Social housing providers could be encouraged to contact leaseholders when they are completing electrical installation checks in other properties in the building and offer to arrange a check in their property for a reasonable fee (at least covering their costs). This should introduce economies of scale and therefore provide a saving for owner-occupying leaseholders when compared to securing a check just for their own property. However, we would not suggest that this be introduced as a legal requirement.

**Question 16: Do you have any other comments that have not been captured elsewhere in this consultation?**

**Response:**

There is clearly a limit to what can be achieved through regulation; it is not practical or proportionate to expect landlords to test residents' personal appliances, even if doing so would improve their safety. We would suggest that a public information campaign sharing details of how to identify potential electrical safety risks in appliances could have significant benefits (and could extend beyond the social housing sector).

As with all regulatory changes, communication is key. In the spirit of the commitments made in the Charter for Social Housing Residents, it is important to ensure that residents' views are incorporated, and that communication is accessible to a range of needs.

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