

Open letter to Housing Minister, Robert Jenrick MP, Fiona MacGreggor, Chief Executive RSH, Sarah Albon, Chief Executive HSE and Jonathan Samuel, Chief Executive Gas Safe.

6th April 2020

Dear Mr Jenrick,

During the current Covid-19 pandemic we all have the responsibility to keep ourselves, our families, our colleagues and the whole of our society safe and prevent the spread of the virus.

Due to the 'Coronavirus (Covid-19) Guidance for Landlords and Tenants from Ministry of Housing, Community and Local Government', Gas Engineers and other trades working for housing associations are risking their own health and that of their families and tenants of properties they are visiting.

The government guidance on gas safety and the provision of repairs states that although landlords should take a pragmatic, common sense approach, compliance must still be met during the C-19 pandemic.

The new **Electrical Safety Standards in the Private Rented Sector Regulations 2020** were made on 18 March and will apply to all new tenancies on 1 July 2020 and for existing tenancies on 1 April 2021. The Electrical Safety Regulations will require landlords to:

- Have the electrical installations in their properties inspected and tested by a person who is qualified and competent, at least every five years;
- Provide a copy of the report (known as the Electrical Safety Condition Report or EICR) to their tenants, and to the local authority if requested.
- If the EICR requires investigative or remedial works, landlords will have to carry this out.

The Gas Safety (Installation and Use) Regulations 1998 require landlords to have annual gas safety check on each appliance and flue carried out by engineer registered with the Gas Safe Register and to keep a record of each safety check. Further advice can be found on the Gas Safe Register's website at <https://www.gassaferegister.co.uk/help-and-advice/covid-19-advice-and-guidance/>.

Both regulations are clear on the issue of compliance. If a landlord can show they have taken all reasonable steps to comply with their duty under the regulations, they are not in breach of the duty. With regards to the Electrical Safety Regulations a landlord would not be in breach of the duty to comply with a remedial notice and with regards to the Gas Safety Regulations a landlord would not be liable for an offence.

A landlord could show reasonable steps by keeping copies of all communications they have had with their tenants and with Electricians as they tried to arrange the work, including any replies they have had. Landlords may also want to provide other evidence they have that the installation, appliance or flue is in a good condition while they attempt to arrange works.

Some Housing Associations have temporarily suspended Gas Servicing and other repairs but at some point, in order to meet compliance, they will need to resume or risk large fines. The Housing Regulator, the HSE and Gas Safe must not place pressure on housing associations that would risk the health of their staff. New guidance needs to be put in place that protects both the tenants and staff against the risk of Covid-19, and the tenants against risks associated with gas appliances.

We are therefore calling on the agencies concerned to meet with Unite on behalf of workers and the Social Housing Action Campaign on behalf of tenants to discuss revisions to the Guidance.

Yours Sincerely

Sharon Bailey
Senior Shop Steward
Branch NE/407/12

Suzanne Muna
Assistant Branch Secretary
Unite LE1111 Housing Workers Branch