



COVID-19: HSE guidance for landlords in relation to gas safety checks

To: All contacts

This briefing will be of particular interest to officers with responsibility for housing and building maintenance.

Key Issues

In response to the COVID-19 pandemic Gas Safe Register have updated their advice and guidance page on 7 April. Within this page there is a link to guidance for landlords which has been provided by the HSE and includes example scenarios which are to help landlords understand what may be considered reasonable steps to take to demonstrate compliance with their duties regarding gas safety checks.

1. Introduction

In response to the COVID-19 pandemic the Gas Safe Register has updated their advice and guidance page regarding gas engineering. The updated information can be found by [clicking here](#). As well as this a number of example scenarios have been provided by the HSE as part of their guidance for landlords and compliance with gas safety checks.

This short briefing outlines a summary of the information provided by the HSE in relation to landlords and includes a number of example scenarios which can be used as a guide in relation to what would be considered reasonable steps to take when dealing with the current situation. The full guidance can be found by [clicking here](#).

2. HSE advice for landlords

The guidance highlights that during the COVID-19 pandemic, there is a balance between ensuring people are protected from possibly fatal risks arising from carbon monoxide exposure or a gas explosion, while doing what we can to protect people from COVID-19.

It states that the current guidance from HM Government is that work can still be carried out in people's homes where necessary, for example, for safety reasons. This is providing that the UK Government guidance on social distancing is followed, this can be found [here](#). More advice can be found [here](#) in relation to work being carried out in peoples' homes.

The guidance highlights that "the law is flexible and where it is not possible to carry out a gas safety check, it will normally be enough to show that you took reasonable steps to do so. In the event you are unable to gain access to the property, e.g. refusal of access due to tenants self-isolating, or if you are unable to engage a

registered gas engineer to carry out the work due to a shortage of available engineers, you will be expected to be able to demonstrate that you took reasonable steps to comply with the law. This should include records of communication with the tenant and details of your engineer's attempts to gain access. You should also seek to arrange the safety check as soon as all parties are available".

Given the current situation, as tenants are spending most of their time and in some cases all of their time at home, the guidance notes that landlords should not look to suspend all gas safety checks as this will put tenants at unnecessary risk. It instead highlights that each property should be looked at on a case by case basis, completing safety checks where access is permitted and engineers are available. It also states that should you be unable to access services with your usual engineers, you should make reasonable attempts to obtain alternative services. Where this is not possible then it notes that resources need to be prioritised, you can do so by taking into account a number of factors which include (but are not exhaustive):-

- the age and type of appliances
- previous maintenance/ work carried out
- breakdown history
- the presence of CO alarms
- whether the tenant is considered vulnerable for reasons other than risk from COVID-19

3. Example scenarios

As part of the guidance information the HSE has included a number of example scenarios which landlords can use. It information does state that these examples are not exhaustive and that each situation will need to be risk assessed on a case by case basis.

Scenario 1 – Vulnerable person

Your tenant informs you that they do not want anyone to come to their home as they fall into the Government's vulnerable people category (they are aged 70 or over and/or are at increased risk of severe illness from coronavirus).

Scenario 2 – Shielded person

Your tenant informs you that they do not want anyone to come to their home as they are self-isolating because they fall into the Government's shielded category, defined on medical grounds as extremely vulnerable from COVID-19. They have been advised to follow strict social distancing measures to stay at home at all times and avoid any face-to-face contact for a period of at least 12 weeks.

In both scenarios examples the information on what you must do is the same, this is:-

What you must do

You can delay completing the landlords' gas safety check until after your tenant's isolation period has ended. You must arrange for this to take place as soon as possible after the isolation period has ended.

You must be able demonstrate that you have taken reasonable steps to arrange and reschedule the gas safety check; we strongly advise that you keep records of all communication and correspondence with the tenant, including emails and text messages if applicable.

Scenario 3 – Tenant self-isolating for 14 days as their household has a possible COVID-19 infection

Your tenant informs you that they do not want anyone to come to their home, as it is possible that someone in their household has the coronavirus (COVID-19) infection, and they are self-isolating for 14 days.

What you must do

You can delay completing the landlords' gas safety check until after your tenant's isolation period has ended. You must arrange for this to take place as soon as possible after the isolation period has ended.

If, after the 14-day isolation period, it is not possible to complete the checks because another member of the household is now self-isolating, you should again agree a new date for the checks to take place.

You must be able demonstrate that you have taken reasonable steps to arrange and reschedule the gas safety check; we strongly advise that you keep records of communication and correspondence with the tenant, including emails and text messages if applicable.

Scenario 4 – Tenant with a family that are socially distancing

Example a) Tenant and family with no vulnerable people and have no symptoms of coronavirus (COVID-19) and allow access.

What you must do

You should go ahead with the gas safety check. You should follow the Public Health England guidance on working in people's homes to manage the safety of your tenants and the registered gas engineer who will be carrying out the checks.

When booking the visit, check whether anyone at the property is self-isolating or has been in contact with anyone who has been diagnosed with COVID-19, or has recently gone into self-isolation. If they have, you will need to arrange a new date for the checks to take place after the self-isolation period has ended. We strongly advise that you keep records of communication and correspondence with the tenant, including emails and text messages if applicable.

What the engineer must do: Registered gas engineers working in the homes of people who are socially distancing, should follow the latest advice on Gov.uk, including guidance on working in people's homes. They should conduct their own assessment of the risks before entering any property – if they have concerns that the tenants are showing symptoms of coronavirus (COVID-19) they should not enter the property and the visit should be rearranged.

Example b) Tenant & family are socially distancing, have no symptoms but deny access.

What you must do

If your tenant denies the engineer access to the property, you must arrange for the gas safety check to take place as soon as possible. You must be able demonstrate that you have taken reasonable steps to arrange and reschedule the gas safety check; HSE's usual advice on gaining access applies in these circumstances:

- leave the tenant a notice stating that an attempt was made to complete the gas safety check and provide your contact details;
- write to the tenant explaining that a safety check is a legal requirement and that it is for the tenant's own safety. Give the tenant the opportunity to arrange their own appointment;
- HSE inspectors will look for repeated attempts to complete the gas safety check, including the above suggestions; however, the approach will need to be appropriate to each circumstance.

We strongly advise that you keep records of communication and correspondence with the tenant, including emails and text messages if applicable.

Scenario 5 – Your tenant’s household is in isolation or has a vulnerable or shielded person, but contact you as there is a gas emergency

While in isolation a tenant makes contact to say they have a gas emergency.

What you must do

You should ask what the emergency is; if they can smell gas, you should tell them to call the gas emergency service provider on 0800 111 999. Tenants should be advised to switch off appliances until the gas emergency supplier, or a registered gas engineer, has attended and advised that the appliances are safe to use.

With regard to problems with a boiler, leaving them without heating or hot water and/or an issue with their gas cooker, are classed as an urgent health and safety issue and you should arrange for a gas engineer to undertake any repairs as soon as possible.

Your obligations to make repairs have not changed and you should make every effort to abide by existing gas safety regulations.

We strongly advise that you keep records of communication and correspondence with the tenant, including emails and text messages if applicable.

What the engineer must do: Gas engineers working in the homes of people who are self-isolating or vulnerable or shielded should follow the latest advice on Gov.uk, including guidance on working in people's homes.

Scenario 6 - The landlords gas safety check is due on your tenant’s home, but you are unable to secure the services of a Registered Gas Engineer to undertake the checks

What you must do

If you are unable to engage a registered gas engineer to carry out the gas safety checks due to a shortage of available engineers, or because they state they will only undertake emergency break down and repair work, not routine work, you will be expected to demonstrate that you took reasonable steps to comply with the law. If your usual engineer will not carry out the gas safety checks, you should contact an alternative registered gas engineer businesses to secure their services.

You should retain records of communication and correspondence with the engineer(s) and the tenant including emails and text messages if applicable. You should arrange for the gas safety checks to be completed as soon as you are able to secure the services of a registered gas engineer and all parties are available.

Scenario 7 – Your landlords gas safety check expires in 2 months’ time and you are aware that there may be difficulties in engaging a registered gas engineer, or that tenants could be in situations of self-isolation

What you should so

You should try to arrange for the checks to be undertaken in advance of the due date. You have the flexibility to carry out annual gas safety checks two months before the deadline date. Landlords can have the annual gas safety checks at their properties carried out any time from 10 to 12 calendar months after the previous check and still retain the original deadline date as if the check had been carried out exactly 12 months after the previous check.

You are encouraged to arrange your annual gas safety checks as early as possible, as a contingency against tenants being in self-isolation for a period of 14 days (in line with current guidelines), or gas engineers being

unavailable due to illness. The two-month period to carry out annual gas safety checks should provide adequate resilience in most situations.

Current guidance from HM Government states that work can still be carried out in people's homes where necessary, e.g. for reasons of safety, provided that the GOV.UK guidance on social distancing is followed.

You should retain records of communication and correspondence with the tenant including emails and text messages if applicable. You should arrange for the gas safety checks to be completed as soon as possible.

Scenario 8 – Social Housing Landlords – You are experiencing challenges in undertaking gas safety checks, for example due to tenants self-isolating or availability of engineers

What you should do

Landlords are still required to take reasonable steps to carry out annual gas safety checks etc. Suspension of all gas safety checks is not permissible, as it will unnecessarily put tenants at increased risk, particularly as people are spending all/most of their time at home.

Each property should be considered on a case-by-case basis, completing safety checks where tenants permit access and gas engineers are available. If you are unable to secure the services of your usual engineers, you must make reasonable attempts to obtain alternate services. Where you cannot, and resource must be prioritised, you can do so taking into account factors such as (this list is not exhaustive):

- the age and type of appliances;
- previous maintenance/work carried out;
- breakdown history;
- the presence of CO alarms; and
- whether the tenant is considered vulnerable for reasons other than risk from coronavirus (COVID-19).

You should retain records of communication and correspondence with the engineer(s) and the tenant including emails and text messages if applicable. You should arrange for the gas safety checks to be completed as soon as you are able to secure the services of a registered gas engineer and all parties are available.

APSE COMMENT

APSE has set up a COVID-19 Information Hub to deal with frontline service issues as they arise; ensuring greater resilience and learning between each other during this difficult time. This includes a number of previous COVID-19 briefings relating to the information above ([Briefing 20-16: Local authority response to COVID-19 in relation to building maintenance and housing services](#) and [Briefing 20-27: Guidance for social landlords](#))

Details can be accessed via the following link for the APSE HUB:-

[COVID-19- APSE information hub](#)

Louise Melville
Principal Advisor