



**Catalyst
Housing**

Gas Safety Procedure

October 2011

Version 1.1

Content

1. INTRODUCTION	3
2. SCHEDULING LGSR GAS SAFETY CHECKS	3
3. LGSR ESCALATION PROCEDURE	3
APPENDICES	6
Appendix 1: Guidance on Taking Legal Action in event of Non-Access	7
Appendix 2: Options for Escalating Access - Properties with Historic Access Problems	10
Appendix 3: Gas Safety Checks for Void Properties	11
Appendix 4: For Gas Contractors – Carrying out Gas Safety Inspection and Servicing	12
Appendix 5: Following up on LGSR Inspections and dealing with Emergencies	13
Appendix 6: Boiler Renewal Referral Process	15
Appendix 7: Guidance for Maintenance Administrators on Checking LGSRs (CP12s)	16
Appendix 8: Quality Control Procedure on Gas Service engineer annual LGSR.....	17
Appendix 9: Review Meetings with Gas Contractors	18

Version control and approval

Version	Author	Amendment	Date	Approved by
1.0	Charles Osunwoke	Comments from Jim Mcfadden, Head of Asset Management & Maintenance	5 Oct. 2011	Jim Mcfadden
1.1	Charles Osunwoke	Typographical amendments and comments from Mechanical & Electrical Manager	7 Nov 2011	Jim Mcfadden

1. Introduction

This procedure should be read in conjunction with Catalyst's Gas Safety Policy. It details how regional teams and their contractors ensure the safety of all gas heating installations including boilers, fires, landlord supplied appliances, associated pipe work and means of ventilating them. To do this we will provide a gas safety check every year. To prove this we will provide tenants original copies of Landlord's Gas Safety Records (LGSR) as well as keep original copies in offices. The LGSR is also sometimes known as a CP12.

2. Scheduling LGSR Gas Safety Checks

Catalyst's policy is that contact with resident, to gain access for annual gas checks, will commence three months before the current LGSR expires. The following steps will be followed to ensure Gas Safety checks are efficiently scheduled:

Task	Responsibility
2.1 Each week the Maintenance Administrator will run a report listing tenancies to be contacted for LGSR appointments three months prior to the LGSR anniversary. The list will also display properties where LGSR checks are overdue. The Maintenance Administrator will hold formal reviews with gas contractors to discuss and review issues related to LGSR checks (see Appendix 10 for process on meetings with gas contractors).	Maintenance Administrator
2.2 Where possible, Maintenance Administrators will check if properties have been flagged for previous non-access issues or have LGSRs overdue by one month or more and consider options for accelerating access (see Appendix 2).	Maintenance Administrator
2.3 Maintenance Administrators will go through the list of properties where LGSRs are due for renewal, or are overdue and check these against the lists of LGSR inspections held by the gas contractor. Following reconciliation Maintenance Administrators will send the list to Neighbourhood Housing Managers (NHMs) for information and request information about any relevant vulnerability issues relating to the list of tenants and any special arrangements or support that may need to be provided. Gas Safety checks for void properties will be carried out in accordance with voids procedures (see Appendix 3 for high-level process).	Maintenance Administrator

3. LGSR Escalation Procedure

The LGSR escalation process applies to all tenancies where Catalyst has an obligation to carry out LGSR checks. Under the escalation process, the gas contractor and Catalyst will make a number of attempts to gain access before resorting to legal action. If there has been a history of problems in gaining access previously then the tenancy will be dealt slightly differently (see **Appendix 2** which sets out options for dealing with tenancies with historical access problems).

Below is a high-level overview of the escalation process (a more detailed depiction of Catalyst's escalation process is provided in the LGSR escalation process map).

First and Second Appointment			
1 st Appt	2 nd Appt	Action	Responsibility
Week 1		Three months before the LGSR expires, the contractor will contact tenants to service and check gas installations/appliances in tenants' homes. The contractor will offer a first appointment, giving sufficient notice, and will agree a new date or time with the tenant if the offered date/time is not convenient.	Gas Contractor
	Weeks 2-3	If the first appointment is not kept the contractor will offer a second appointment, giving sufficient notice, and agree a new date or time with the tenant if the offered date/time is not convenient.	Gas Contractor
Week 2	Week 4	The contractor will attend at the scheduled date/ time, service gas appliances as appropriate and issue an original copy of the LGSR to the tenant within 28 days of the LGSR check being completed. (See Appendices 4, 5, 6 and 8 for processes on carrying out and following up LGSR checks). The contractor will send an original copy of the LGSR to the area Maintenance team.	Gas Contractor
By week 3	By week 5	Check LGSRs completed correctly and file the LGSRs (see Appendix 7 for guidance on checking LGSRs). Record outcomes of appointments and LGSR checks on the IT system. If any Landlord responsible gas repairs are to be carried out following LGSR checks, issue order for works to be carried out.	Maintenance Administrator

After the Second Appointment ¹		
Timeline	Action	Responsibility
Weeks 5-6	If the gas contractor has unsuccessfully exhausted their attempts to gain access they will refer the case back to the Maintenance Administrator for follow-up action. The Contractor will send copies of appointment letters and calling card stubs to the Maintenance Team. Alternatively the Maintenance Team will check the relevant system to verify a contractor's attempts to gain access.	Gas Contractor/ Maintenance Administrator
By Weeks 6-7	If the gas contractor refers a gas check back to the Area Maintenance Team because of 'no access', the Maintenance Administrator will notify the Neighbourhood Housing Manager (NHM) for information and advice regarding any relevant issues including vulnerabilities that the NHM may be aware of.	Maintenance Administrator/ NHM

¹ For the Catalyst London West area the Gas Contractor will arrange a 3rd appointment

By Weeks 6-7	The Maintenance Administrator will contact the tenant and attempt to arrange a further appointment with the tenant and contractor. If attempts to arrange a further appointment are unsuccessful, they will refer the case to NHM for legal action and provide any relevant information evidencing attempts to gain access. Where possible they will place a flag on the housing management system confirming failure to gain access.	Maintenance Administrator
By Week 7	If attempts to arrange an appointment are successful the contractor will attend the property promptly at the scheduled time/date and carry out gas checks and any servicing required.	Gas Contractor
By Week 7	If access is still not granted the NHM will attempt to contact the tenant. If visiting the property, they will check for signs of abandonment, unauthorised sub-letting, or illegal occupation. If this attempt to gain access is unsuccessful they will initiate appropriate legal action (See Appendix 1 for legal options)	NHM
By Week 11	NHM ensures all necessary preparatory action and paperwork is completed (see Appendix 1 for guidance on pursuing legal action).	NHM

Arranging gas safety checks following Injunction Proceedings

Action	Responsibility
1 If an injunction order is sought and granted, the NHM will serve the order on the resident's property on the same day the order is collected from the court. (See Appendix 1 for guidance on taking out an injunction).	NHM
2 If access is still not given, a further written request giving at least three more working days notice is left at the property advising that failure to provide access could result in forced access.	NHM
3 If a decision is made by the Area Manager to gain access by forced entry, arrangements will be made to ensure that a locksmith, the engineer, the NHM and one other officer from Catalyst are present at the next visit.	NHM & Gas Contractor
4 Once access is obtained, a full inspection will be carried out. If an inspection cannot be carried out due to a lack of a gas supply, the supply must be reconnected. The NHM will monitor the length of time taken to reconnect the supply. When the supply is reinstated the resident should inform their NHM so that a full inspection can be carried out. Once the supply is reinstated the NHM will inform the Maintenance Administrator, who will in turn notify the Gas Contractor to arrange an appointment	NHM & Gas Contractor

APPENDICES

Appendix 1: Guidance on Taking Legal Action in event of Non-Access

What legal avenues are open to Landlords to obtain access for a Gas Safety inspection? Are there any risks?

- Injunction – An order of the court to compel or restrain. Must be contact between the two parties. Must give reasonable options to gain access.
- Local Authority warrants (Environmental Protection Orders, EPOs) – These are supported by the Environmental Protection Act and used predominantly by Local Authorities. Although this action may provide access into a property it does not allow gas servicing, only inspection and disconnection of gas appliances. In addition EPO's may not be appropriate as these rely on a local authority having the resources to provide enforcement.
- Possession proceedings – Very time consuming action to take. Most likely to result in an action suspended on terms. This should only be considered if non-access has raised wider issues, such as sub-letting or abandonment.
- Order by a Court of Protection (CoP) – Courts of Protection can be used instead of possession proceedings where a resident lacks mental capacity or is thought to lack mental capacity. The CoP can make a one-off order to require the resident to be moved, forcibly if necessary, into a care home whilst ordering access for works. The CoP route will not always be cheaper or quicker than possession proceedings. There may be numerous adjournments to investigate issues and involve other agencies. The CoP is relatively new so it is important to seek legal advice first before pursuing this option.
- Disconnect the gas supply – If the carcass sits outside the property gas supply to the property can be disconnected and a LGSR check carried out on the carcass. Legal advice must be sought before taking this option on a case-by-case basis.
- Forced entry – there is a risk of a claim for damages unless the court are satisfied with the landlord's reasoning of the common law doctrine of necessity.

Preparing the Paperwork for Injunction Proceedings

It is Catalyst's policy to take legal action if a tenants has repeatedly failed to grant access to enable LGSR checks to be carried out. Injunctions can be obtained through the 'DIY' route where NHMs will be responsible for seeking an injunction order. Alternatively, injunctions can be obtained with the assistance of a solicitor. The method used will be decided by the relevant Area Manager..

Information to be compiled for injunction applications includes:

1. *Part 8 Claim Form* - Sets out what Order is being sought and the legal basis for the claim. It must be signed by either the legal representative or the member of the Trust who is presenting the case.
2. *Application for Injunction* - This must contain the following;
 - Full name of person making the claim
 - Full name of person the injunction is intended for
 - The proposed terms of the injunction
 - Any proposed mandatory orders requiring acts to be done
 - Any further terms asked for, including provision of costs
 - Names of all persons who have sworn affidavits or signed statements supporting the application
 - Name and address of person of whom the injunction is to be served on
 - Name and address of legal representative or Registered Provider

3. *Draft Injunction Order* – The draft injunction order will detail the precise terms of the order that is being sought. It must include:
 - The name of the claimant and the defendant, as well as the court reference number and name of the County Court.
 - The terms of the order and any terms requiring any acts to be done. This order will also include the terms of any other orders or costs.
 - A direction to provide access to carry out a gas safety annual check and inspection and any resulting work
 - A direction to install a service interval programmer.
 - A direction to ensure the order remains for the lifetime of the tenancy
 - Claim for recovery of Costs incurred.
4. *Witness Statement* - This is the personal account of the person who has been dealing with this matter i.e. the Housing Officer or Team Manager. It is the most important piece of evidence that is presented to the Court. It must outline the full chronology of events that have been taken. It is important to convince the court that you have done all that you could, and must leave the court with no doubt that you are entitled to have the Order granted.
5. *Exhibit Sheet* – This is a list of documents that have been provided to the court.
6. *Exhibits* - The Exhibits are the individual documents that are contained within the bundle.

Attending the Injunction Hearing

The hearing is generally held in District Judges' Chambers and is quite informal.

If called upon the officer, representing Catalyst, will introduce themselves to the District Judge, explain what they are seeking, reasons why, and outline the steps taken to obtain access. It is not uncommon for the Judge to address the following questions to the representing officer. For example:

- The dates that the Contractors attended;
- Dates of all letters sent;
- Dates of any visits and outcome;
- Details of any telephone calls made and outcome;
- Date of the last LGSR;
- Tenant's date of birth;
- Whether anyone else lives in the Property, if so, ages, and relationship;
- Whether the Tenant is working or in receipt of Housing Benefit;
- Whether there are any health or mental health issues;
- Costs and how these have arisen.

A housing officer will collect the Court Order no later than 2 days after injunction is granted (in the Kensington area, orders are collected immediately).

What happens if an Injunction Order is not granted?

If an injunction order is not granted the reason for the Courts decision should be reviewed and appropriate action taken. If necessary the case should be referred to the Head of Asset Management and Maintenance and Area Director, for review and advice on alternative actions for gaining access. These could include serving of a Notice to Quit for abandonment, for example.

Recovering Costs

- If access is provided prior to attending court, Housing Management will advise the resident that costs, and a postponed order, will be sought.
- After the injunction is granted the Area Housing Manager will review the case and confirm if costs should be recovered from the tenant.
- If costs are to be recovered, the Neighbourhood Housing Manager should contact the Finance Team to set up the necessary processes for recovering the costs. A copy of the order, and a letter advising the resident of the court costs, must be sent to the Finance Team; along with a Tenancy Change Form to administer the court costs process.

Appendix 2: Options for Escalating Access - Properties with Historic Access Problems

Wherever possible, Maintenance Administrators will flag on the housing management system, all properties with a history of problems gaining access. Below are options which Maintenance and Housing Management teams are to consider when handling properties with historic access problems in relation to LGSR checks.

1. Install a Service Interval Programmer

A Service Interval Programmer (SIP) is an electronic timer fitted directly to the boiler. It is designed to interrupt the service of the boiler to remind the resident that the annual gas inspection is due. A SIP should only be installed if the delays are due to a tenant's persistent failure to grant access, not because of delays caused by the gas contractor. The process for installing a SIP will generally be as follows:

Installing a SIP	
Action	Responsibility
1. Review list of properties with history of access problems. This means properties where no access was granted following the 2 nd appointment stage (3 rd stage for Catalyst London West), or where LGSR checks are overdue by 4 weeks or more. Instruct contractor to install service programmer when servicing installation/appliances. Before installing a SIP, the Maintenance Administrator obtains information and advice from the NHM regarding any relevant vulnerability. The Maintenance Manager will authorise installation of a SIP.	Maintenance Administrator and Maintenance Manager
2. Install Service programmer when next servicing installation/appliances	Gas Contractor
3. Notify tenant in writing that service programmer installed and inform tenant what to do when SIP interrupts boiler. Record on system that SIP has been installed	Maintenance Administrator
4. Gas contractor carries out LGSR check	Gas Contractor
5. Before next LGSR check, review case to continue using SIP in service programmer mode. Instruct gas service engineer to change SIP to normal programmer mode if required.	Maintenance Administrator

2. Accelerated Access Route

If a SIP is not installed in a property with a history of access problems and it is not possible to gain access to install one, the Area Maintenance and Housing Management teams should consider using the Accelerated Access Route (ARR) to gain access

Installing a SIP	
Action	Responsibility
1. The resident will be informed in advance in writing that they will be dealt with in future using the ARR process	Maintenance Administrator
2. Under the ARR process a maximum of two appointments will be made. Two officers will accompany the gas contractor on each visit and at least one of the appointments will be scheduled so that a visit takes place either out-of-hours or on a weekend.	Area Maintenance & Housing Mgt. Teams

Appendix 3: Gas Safety Checks for Void Properties

The following is the high level process for carrying out gas servicing checks on properties that have become void:

- 1 As soon as a property becomes void, a Gas Safe Registered engineer will visit the property to cap off the gas supply and make safe. The contractor will issue a gas safety certificate. An original copy of the gas safety certificate will be sent to the Maintenance Administrator.
- 2 Following this, a Gas Engineer will visit to establish any works needed to be carried out. This will have to be instructed by the Maintenance Manager or Asset Management. Once works are completed Gas Contractor to provide LGSR (CP12) to Maintenance Administrator.
3. The Gas Engineer will send an original copy of the LGSR (CP12) to the Area Maintenance Team who will in turn provide a copy to the Area Housing Management Team. An original copy of the LGSR will be provided to the new tenant on sign-up.

Appendix 4: For Gas Contractors – Carrying out Gas Safety Inspection and Servicing

The annual gas safety check requires the gas servicing contractors to visit each property recorded in the Group Property List, scheduled for a LGSR check. Contractors must ensure that all tenant owned appliances are listed on the LGSR, for each property and are entered on the gas database. The Contractor must carry out statutory safety checks and issue a valid LGSR not less than annually.

The annual LGSR check is to be carried out in accordance with The Gas Safety (Installation and Use) Regulations 1998 Approved Code of Practice. This covers:

- (a) The effectiveness of any flue.
- (b) The supply of combustion air.
- (c) The appliance operating pressure and/or heat output.
- (d) The appliance operation so as to ensure its safe functioning.
- (e) Associated electrical controls and wiring.
- (f) Pipework, valves and pumps.

The Gas Contractor will carry out visual checks on tenants' appliances. Tenants are responsible for the maintenance and safety of their own gas appliances. The Contractor shall record the results of the visual checks on the LGSR and inform the tenant if any faults are found.

On completion of the annual safety check, the resident should sign the LGSR which is self carbonated in triplicate. If the resident refuses to sign the LGSR the gas engineer will make a note of this on the on the LGSR. The yellow copy is to be given to the resident within 28 days of completing the inspection, the green copy remains with the Contractor, and the white copy sent to the Maintenance Service within 5 working days of the inspection.

Appendix 5: Following up on LGSR Inspections and dealing with Emergencies

'Immediately Dangerous' (ID)

An appliance and/or installation which if operated or left connected to a gas supply is an **immediate danger to life or property**

'At Risk' (AR)

An appliance and/or installation where one or more faults exist and which is **likely to constitute a danger** to life or property if continued to be used.

- If any of the installations/appliances are classed as being AR or ID, the Gas Contractor will inform the resident, cap off the gas supply to the installations appliances, fill out a Warning Notice and ask the resident to sign the Warning Notice. One copy of the Warning Notice is to be given to the tenant and another sent to the Maintenance Administrator.
- If the resident refuses to sign the Warning Notice, the Gas Contractor should note this on the Warning Notice and leave a copy with the resident. The contractor will also attach the Warning Notice to the appliance /installation/ meter. If the resident refuses to let the contractor turn off the gas and cap off the gas appliance / installation, the contractor will contact the relevant gas utility supplier immediately who will then make safe. The contractor will also inform the relevant maintenance team of action taken.
- In the event the gas supply to an occupied property is turned off without a Warning Notice, the contractor must immediately communicate this to Maintenance Administrators or Maintenance Manager. The Maintenance Administrator or Customer Services Officer must inform the relevant Neighbourhood Housing Manager who will obtain legal advice on the position of Catalyst. Any required action deemed necessary, must be expedited to ensure the supply is reinstated and a gas check and inspection is completed.
- The contractor will send the Maintenance Administrator and Maintenance Manager a defect report stating what the problem is and what works are required. These works are to be carried out immediately, subject to approval from the Maintenance Manager. If the Maintenance Manager is away, this will be dealt with by their deputy, a Maintenance Surveyor or Maintenance Administrator as appropriate. On completion of defects work a new LGSR will be issued by the contractor. One copy will go to the maintenance team and another to the tenant.
- If works required are covered under the contract, the Contractor will go ahead with the works while onsite, or make other arrangements direct with the tenant. If works are outside of the contract, the Maintenance Administrator will inform the contractor and raise an order
- Before removing a Warning Notice the gas contractor must verify that the appliance/installation is now safe to use. The resident will be informed that the appliance/installation is safe to use and an LGSR will be completed by the contractor.

Emergencies

- If a tenant calls in to say they can smell gas, the Customer Services Officer (or whoever takes the call) should advise the tenant to contact the National Grid on 0800 111 999. The officer taking the call should advise the tenant to:
 - Turn off the Gas supply at the emergency control valve, normally located close to the meter, if safe to do so.
 - Open all windows and doors.
 - Not to operate any electrical switches or controls which may cause ignition from leaking gas
 - Avoid use of naked flames
 - Switch off appliances and not to switch these back on until they have been checked by a Gas Safe registered engineer
- The engineer from the National Grid will disconnect the gas supply from the Grid if appropriate and inform the tenant or Catalyst if responsibility for rectifying the fault rests with Catalyst.
- The officer taking the call will notify the Area Maintenance Team, who will instruct the gas contractor to go out and investigate and carry any works required following authorisation from the Maintenance Team.
- Once the report has come through from Contractor for works required, the Maintenance Administrator should seek approval from the Maintenance Manager for the works to proceed, if not covered by the contract.

Not to Current Standards (NCS)

A situation which is not in accordance with current practices, but does **NOT** constitute either an 'Immediately Dangerous' or 'At Risk' situation.

If an installation and/or appliance is classed as NCS the Gas Contractor shall advise the tenant that the appliance or installation may require some rectification works to bring it up to the required standards, but that it is still safe to use. The particular details should be clearly indicated on the LGSR. If works are required to the tenant's appliance these will be the tenant's responsibility. Works which fall under the landlord's responsibilities will be ordered if required.

Appendix 6: Boiler Renewal Referral Process

Asset Management and Maintenance Gas Boiler Referral Process	
Action	Responsibility
1 Gas Service contractor condemns boiler and informs the Maintenance Manager (MM).	Gas Contractor
2 MM contacts contractor and confirms the need for a new boiler and logs request details on repairs IT system.	Maintenance Manager
3 MM emails and calls Asset Management (AM) Mechanical and Electrical (M&E) Manager and the Term Installation Contractor (Stapletech Ltd). Information in the email should include: name, address and contact details of the resident; existing boiler type; if combination and system; diagnosed fault/reason for renewal; any resident vulnerability issues (information should include language spoken, carer contact details, if any; social worker contact details, if any; any disabilities etc.	Maintenance Manager
4 Stapletech will make an appointment to carry out a survey and confirm this by email to AM M&E manager and Maintenance Manager.	Stapletech
5 AM M&E Manager and Maintenance Manager will update relevant IT systems.	AM M&E/ Maintenance Manager
6 Stapletech visits and surveys the boiler. If Stapletech can complete the works at first visit, they will replace the boiler and complete the works to 'B.regs L1' standard and notify all parties by email with the completion date. If they cannot complete the works at the first visit Stapletech will arrange a new appointment and inform the AM M&E and Maintenance Managers by email. The Maintenance Manager will update the IT system to indicate a new appointment is being made.	Stapletech/ Maintenance Manager
7 Stapletech will issue an LGSR to the resident and send an original copy to AM who will pass this on to the Maintenance Manager. Stapletech will send AM and Maintenance Managers details of installation dates and end of the 12 month defect period.	Stapletech/ AM
8 Maintenance Manager and AM will note on the repair IT system that a new boiler has been installed and add details of the installation data and end of the 12mth defect period.	Maintenance Managers/ AM

Contacts

Stapletech Ltd office Tel: 01689 887 600: Holy Lawrence, Hayley Price (HayleyPrice@StapleTech.Co.Uk), Sophie Brewer (SophieBrewer@stapletech.co.uk), Steve Petty (StevePetty@StapleTech.Co.Uk); Allen Hills (AllenHills@stapletech.co.uk); Carole Forrest (CaroleForrest@StapleTech.Co.Uk); Julian Buntings(j.bunting@ig9.co.uk)

To obtain progress updates or to report problems such as contractor not turning up on the site or complaints, please call Stapletech Ltd Site Managers: Allen Hills 07776133273; Dave Barkar 07810504885; or Stapletech Ltd Resident Liaison Officer, Carole Forest Tel 07796691889.

Appendix 7: Guidance for Maintenance Administrators on Checking LGSRs (CP12s)

Maintenance Administrators will chase Contractors for completed LGSR checks that have not been returned. Once received, the Maintenance Administrator will carry out the following checks to make sure the information has been completed correctly.

1. Check the **Appliance** details, to check that a boiler is on the list that has been serviced.
2. Check **Details of Work Carried Out**, to see if there were any problems in servicing the boiler.
3. Check if **There Is a Gas Cooker/Hob** present and this has been checked, and if there are any notes
4. Make sure both the Contractor and the Tenant have signed and the date is at the **bottom** of the sheet.

Put all certificates into the appropriate file. These then stay in the files and are kept as a legal requirement. You will also have these on your computer, make a folder for LGSR's and store them. We have to maintain a minimum of 2 years worth of certificates at any time that are readily available for inspection by any interested party.

Appendix 8: Quality Control Procedure on Gas Service engineer annual LGSR

The Quality Control (QC) checks will be managed by Asset Management (AM). Up until 31 March 2012, QC checks for Catalyst South East and London West areas will be carried out by Calford Seaden, the term contractor, Stapletech, will carry out the QC checks for properties covered by Kensington and Brent areas. From 1 April 2012 all QC checks will be carried out by AM.

- AM will aim to carry out a 5% check of the total LGSR carried out by each area's gas service contractor. This percentage check can go up if it is felt that there are faults /failures and or trends being noted.
- AM (or the Maintenance Manager where appropriate) will forward the LGSR to gas engineer responsible for the QC checks, who will then write to the residents to arrange a convenient time & date to carry out the check on the LGSR.
- The gas engineer will carry out the check on the original LGSR and compare the LGSR information against the LGSR originally carried out by the gas contractor. Any anomalies will be recorded and made known to AM.
- If the gas engineer finds the condition of the gas appliances/pipe-work to be immediately dangerous or at risk, they will follow the procedure set out under **Appendix 5** above.
- The Maintenance Manager will receive a Monthly report from AM, which will include a list of properties that have been checked and the findings. The Maintenance Manager will also be given a list of properties where access was not possible. The Maintenance Manger shall file this information & carry out any appropriate action recommended.

Appendix 9: Review Meetings with Gas Contractors

Area Maintenance Teams will hold formal review meetings with Gas Contractors at least once each quarter. All meetings and/or reviews will be minuted. The review meetings will cover the agenda items set out in the standard agenda below for gas safety review meetings.

AGENDA

Gas safety performance meeting with {gas contractor} {Date/Time}

1. Minutes & Matters Arising
 2. Contractor – Responsive & Servicing
Outstanding list – actions agreed
Property List Reconciliation,
KPI,
Appointments,
Quality Control,
Voids
Concealed flues
 3. Client Issues
 4. Health & Safety
 5. Any other Business
 6. Date of Next Meeting
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