

Social Housing (Regulation) Bill

Public Bill Committee

Submission from Electrical Safety First

Electrical Safety First

Electrical Safety First is the UK charity committed to reducing deaths, injuries, and fires caused by electricity in the home. To find out more, please visit www.electricalsafetyfirst.org.uk/westminster.

Overview

Electrical Safety First welcomes the Social Housing (Regulation) Bill and in particular Clause 11 of the Bill which extends electrical safety checks to the Social Rented Sector.

However, Electrical Safety First has three main concerns, as follows:

1. The Social Housing (Regulation) Bill should require the testing of both electrical installations and appliances.
2. Enforcement of Clause 11 of the Social Housing (Regulation) Bill should fall to the Regulator of Social Housing rather than local authorities.
3. Clause 11 of the Social Housing (Regulation) Bill should be extended to include leaseholders living in social housing blocks.

Electrical Safety First believes that the Social Housing (Regulation) Bill should be amended accordingly to incorporate these concerns.

Inspection and Testing of electrical installations

There should be a legal requirement for electrical installations in the SRS to be inspected and tested at least every five years.

This would protect those living in the Social Rented Sector (SRS). Importantly, mandating inspection and testing of electrical installation would ensure:

- a. Parity with the Private Rented Sector;
- b. Parity with gas; and
- c. Parity across Great Britain.

Parity with the PRS

At present, there is a requirement for mandatory inspection and testing of fixed electrical installations at least every five years in the PRSⁱ. This is in accordance with the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020ⁱⁱ.

However, responses to the social housing Green Paper showed overwhelming support for consistency in safety measures across the PRS and SRS.ⁱⁱⁱ As a result, the Government committed unequivocally in the Social Housing Charter to ensuring that 'safety measures in the social sector should be in line with the legal protections afforded to private sector tenants.'^{iv}

In order to deliver on this commitment from Government, it is essential that the requirement for mandatory inspection and testing of electrical installations be extended to the SRS.

Parity with gas

Social landlords are required to undertake annual gas safety checks^v. This is in accordance with the Gas Safety (Installation and Use) Regulations 1998^{vi}. However, at present, there is no analogous requirement for electrical safety checks.

This is despite the fact electricity causes a greater number of fires than gas. Indeed, in England, electricity accounts for 53% of all domestic fires^{vii}. In addition, the risk posed by electricity is likely to increase due to the increased electrification of heat^{viii}.

Parity across Great Britain

Social tenants in England are not afforded the same protection as their counterparts elsewhere in the UK.

Indeed, by comparison:

- From December 2015, under s.19A and s.19B of the Housing (Scotland) Act 2004 (as amended), social tenants in Scotland are protected by mandatory electrical safety checks^{ix}.
- From December 2022, the Renting Homes (Wales) Act 2022 will mean that social tenants in Wales will be protected by mandatory electrical safety checks^x.

Given this context across Great Britain, the 4 million households living in social housing in England deserve the same protections.

Whilst Clause 11 of the Social Housing (Regulation) Bill gives the Secretary of State such powers, this requirement should be made explicit within the Bill and the Bill should be amended accordingly.

Testing of electrical appliances provided by social landlords

There should be a legal requirement for electrical appliances provided by social landlords to be PAT tested.

Electrical Safety First analysis of Home Office data shows that appliances account for 25.9% of all electrical dwelling fires^{xi}. This is a significant proportion. It is, therefore, crucial that proactive steps are taken to address the number of appliance fires.

The PAT testing of appliances provided by social landlords would be a practical and effective way to ensure the safety of products provided. This in turn should result in a reduction in the number of appliance fires.

Furthermore, as the Government notes in the Technical Case provided as part of this consultation, PAT testing is already practiced widely across the SRS^{xii}. For instance, Southern Housing Group's electrical safety policy makes provision for regular PAT testing of appliances^{xiii}. Introducing a requirement across the SRS would, therefore, ensure that electrical safety protection is not a 'lottery' based on which landlord owns the property.

Additionally, under contract law, social landlords are liable for the appliances provided as part of any tenancy^{xiv}. The PAT testing of appliances would, therefore, act to protect social landlords by allowing them to demonstrate that they have done all that is practicably possible to ensure the safety of appliances

provided as part of a let. Indeed, through introducing a requirement to PAT test appliances, landlords have a clear regulatory framework in which to operate.

Including the PAT testing of appliances as a legal requirement would also ensure consistency with the SRS regime in Scotland. In Scotland, inspection and testing of the fixed electrical installation and PAT testing of appliances are required under s.19A and s.19B of the Housing (Scotland) Act 2004 (as amended)^{xv}.

Lastly, this requirement is not particularly onerous. This is because the Government-led Working Group found that only 2% of properties rented in the SRS are fully or partially furnished^{xvi}, i.e., have electrical appliances included as part of the letting.

In addition, the frequency of PAT testing should be proportionate to risk. However, to ensure a consistent and clear regulatory regime, evidence of PAT testing should be provided with an Electrical Installation Condition Report (EICR), i.e., before the commencement of a tenancy or within 28 days of an EICR being undertaken.

Again, whilst Clause 11 of the Social Housing (Regulation) Bill enables the Secretary of State to require PAT testing of appliances, for the reasons set out above this should be an explicit requirement in the Bill – and the Bill should be amended accordingly.

Enforcement of Clause 11

The electrical safety provisions in the Social Housing (Regulation) Bill should not be enforced by local housing authorities.

In order to ensure effective enforcement, it is essential that the regulator is sufficiently independent. This would not be the case if local authorities were responsible for enforcing the regulations introduced. This is because most local authorities are providers of social housing.

Therefore, if the regulations were enforced by local authorities, local authorities would be both the regulator and the regulated – and there would not be sufficient independence. Instead, the Regulator of Social Housing should be responsible for enforcing the regulations introduced.

This would be consistent with the recent decision by Sandwell Borough Council to refer themselves to the Regulator of Social Housing after finding that 1,245 of the social housing properties^{xvii} they manage had an Electrical Installation Condition Report (EICR) that was over 10 years old^{xviii}.

Leaseholders living in social housing blocks

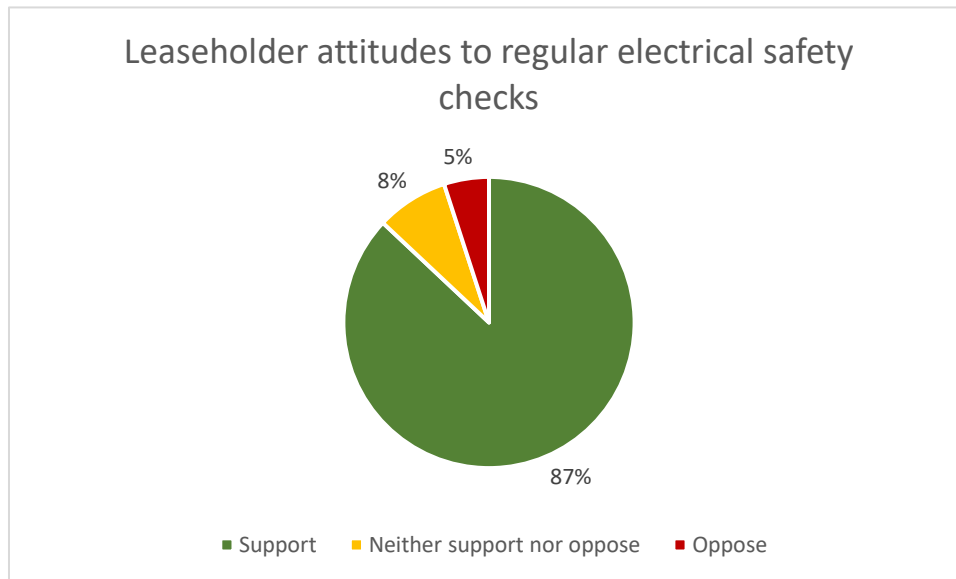
The requirements under Clause 11 of the Social Housing (Regulation) Bill should be extended to include leaseholders living in social housing blocks.

In social housing blocks, the safety of the entire building is contingent on the electrical safety within individual premises.

By introducing a requirement for social landlords to undertake electrical safety checks, Clause 10 of the Social Housing (Regulation) Bill^{xix} will ensure that the majority of properties in a social housing block are electrically safe.

However, some properties in these social housing blocks will be owned by individual leaseholders. These properties will not be included in the provisions under Clause 10 of the Social Housing (Regulation) Bill^{xx}. As such, electrical faults in these properties may remain unidentified and unremedied. Given the nature of social housing blocks (with high density populations) and the risk of rapid spread of fire, this undermines the safety of the entire building and everyone living in the building.

It is, therefore, essential that electrical safety checks apply to leaseholders in social housing blocks too.



It is worth noting that these measures are supported by leaseholders. A survey undertaken on behalf of Electrical Safety First found that 87% of leaseholders living in High Rise Residential Buildings (HRRBs) supported being legally required to complete electrical safety checks^{xxi}. Indeed, 91% of these leaseholders were more concerned about their safety following the Grenfell Tower fire^{xxii}.

The protection of leaseholders is not included in Clause 11 of the Social Housing (Regulation) Bill and, for the reasons laid out above, the failure to protect leaseholders risks undermining the safety of entire social housing blocks. The Social Housing (Regulation) Bill should, therefore, be amended to ensure that leaseholders living in social housing blocks are protected too.

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ⁱ <https://www.legislation.gov.uk/ukdsi/2020/9780111191934>

ⁱⁱ *Ibid.*

ⁱⁱⁱ <https://www.gov.uk/government/consultations/electrical-safety-in-social-housing-consultation-and-call-for-evidence/consultation-and-call-for-evidence-on-electrical-safety-in-the-social-rented-sector>

^{iv} <https://www.gov.uk/government/publications/the-charter-for-social-housing-residents-social-housing-white-paper/the-charter-for-social-housing-residents-social-housing-white-paper>

⁷ <https://www.legislation.gov.uk/ukxi/1998/2451/contents/made>

⁸ Ibid.

⁹ <https://www.electricalsafetyfirst.org.uk/what-we-do/our-policies/westminster/statistics-england/>

¹⁰ <https://www.electricalsafetyfirst.org.uk/media/q1iknvqz/electrical-safety-first-future-homes-report-september-2021.pdf>

¹¹ <https://www.electricalsafetyfirst.org.uk/socialandlordsscotland> <https://www.legislation.gov.uk/asp/2006/1/contents>

¹² <https://gov.wales/landlords-housing-law-changing-renting-homes>

¹³ <https://www.electricalsafetyfirst.org.uk/what-we-do/our-policies/westminster/statistics-england/>

¹⁴ <https://www.gov.uk/government/consultations/electrical-safety-in-social-housing-consultation-and-call-for-evidence/consultation-and-call-for-evidence-on-electrical-safety-in-the-social-rented-sector>

¹⁵ <https://www.shgroup.org.uk/media/986345/electrical-safety-policy.pdf>

¹⁶ <https://www.whitegates.co.uk/news/white-goods-landlord-responsibility>

¹⁷ <https://www.legislation.gov.uk/asp/2006/1/contents>

¹⁸ <https://www.gov.uk/government/consultations/electrical-safety-in-social-housing-consultation-and-call-for-evidence/consultation-and-call-for-evidence-on-electrical-safety-in-the-social-rented-sector>

¹⁹ <https://www.expressandstar.com/news/local-hubs/sandwell/2022/06/06/sandwell-council-refers-itself-to-housing-watchdog-over-electrical-reports-for-social-housing/>

²⁰ <https://www.electricalsafetyfirst.org.uk/media-centre/press-releases/2022/06/comment-on-sandwell-council-referring-themselves-to-the-social-housing-regulator/>

²¹ <https://bills.parliament.uk/publications/46715/documents/1907>

²² Ibid.

²³ Survey conducted by Censuswide on behalf of Electrical Safety First. Sample size of 100 leaseholders.

²⁴ Ibid.