

AMP001

Gas Safety

Policy

Last Review	February 2024
Next Review	February 2027
Lead Officer	Director of Assets & Sustainability

BOARD APPROVAL

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1. Introduction

Trust Housing Association (Trust) owns over 3600 properties, in 100 locations, in 23 Local Authorities across Scotland. There are also three offices across central Scotland.

A considerable number of Trust properties and communal premises have gas installations requiring ongoing maintenance regimes and cyclical replacement schemes. To assist with this, Trust have developed a Policy to provide guidance to employees who work in gas safety management whilst demonstrating how we meet our landlord duties as defined in The Gas Safety (Installation & Use) Regulations 1998 and other relevant legislation.

2. Background

2.1. 2.1 The Gas Safety (Installation & Use) Regulations 1998

The Gas Safety Regulations place a duty on Landlords to ensure all properties and premises with gas installations have an annual safety inspection. These inspections need to be conducted by a qualified person who is a member of the Gas Safe Registered Scheme. This scheme is accredited by the Health & Safety Executive. The safety inspection is referred to as a Landlord's Gas Safety Record (LGSR), or previously as a CP12 certificate. Copies of the Landlord's Gas Safety Record need to be retained for at least 2 years. Customers should be issued with a new copy of the Gas Safety Record within 28 days of the inspection.

All installation pipe work, appliances, and flues that Trust own and provide for customer's use, require to be maintained by a member of the Gas Safe Register Scheme. This includes ensuring a process is in place for arranging prompt remedial works when faults are identified following the annual inspections.

The Gas Regulations also place a duty on Landlords to ensure any contractor conducting replacement or upgrade works to new or existing gas installations have the relevant experience. Again, any person /installer who undertakes gas installation works are required to be a member of the Gas Safe Registered Scheme.

Trust will ensure compliance with Regulation 30. In which no gas appliance such as gas fire, gas water heater or gas space heater will be installed in either a bathroom /shower room or in a room used for sleeping, unless the appliance is room sealed. If the appliance is of a 14-kilowatt gross input, or less, then it may be installed in a sleeping area with the provision of an automatic safety valve to shut down the gas supply in the event of emergency.

2.2 Legislation & Guidance Documents

When implementing the Gas Safety Policy, Trust must ensure all appointed consultants and contractors are compliant with the following legislation:

- Gas Safety (Installation and Use) Regulations 1998 (GSIUR)
- The Gas Safety (Installation and Use) (Amendment) Regulations 2018
- Approved Code of Practice and guidance, L56, (5th Edition) 2018
- Gas Appliance (Safety) Regulations 1995
- Gas Appliance (Safety) (Amendment) Regulations 2018
- Repairing Standard (Housing (Scotland) Act 2006, Chapter 4)
- The Health & Safety at Work Act 1974
- Management of Health & Safety at Work Regulations 1999
- Construction (Design & Management) Regulations 2015
- Control of Asbestos at Work Regulations 2002
- Building Standards (Scotland) Regulations 2004
- Building Standards Domestic Technical Handbook 2023
- The Scottish Secure Tenancy (SST) (5.12)
- Scottish Federation of Housing - Legal Guidance on Forced Access 2009
- Reporting of Injuries, Diseases & Dangerous Occurrence Regulations 1995 (RIDDOR)

3. Policy Statement

3.1. Provisions – Landlord Duties

Trust will comply fully with its statutory obligations as laid out in the Gas Safety (Installation and Use) Regulations 1998. Trust will ensure effective procedures are in place to ensure full compliance with **Regulations 36 (Landlord Duties)** of the Gas Regulations. This includes:

- Provision and management of a 10-month cycle inspection programme to ensure a Gas Safety Record inspection is undertaken within the 12-month anniversary of the previous inspection or installation of a new appliance.
- Ensuring installation pipe work, appliances and flues provided for customers are maintained in a safe condition.
- Ensuring the annual Gas Safety Maintenance inspections are conducted by a member of the Gas Safe Registered Scheme.
- Retaining a record of each safety check for a minimum of 2 years.
- Ensuring a copy of the Landlord's Gas Safety Record is issued to existing customers within 28 days of the inspection being completed and to any new customer before they move into the property.
- Ensuring void properties are inspected for safety and a copy of the check is provided to customers on the date of entry.
- Ensuring contractors and any person arranging and conducting planned works on new or existing gas installations have the relevant experience and are a current member of the Gas Safety Registered Scheme.
- The regulations we follow and adhere to aim to prevent injury to consumers and the public from either carbon monoxide (CO) poisoning or fire and explosion.

3.2 Definitions

- Communal appliances and flues serving “relevant premises” (such as central heating boilers, not installed in customer’s individual properties but used to heat them) are covered by the Gas Regulations
- The Gas Safety Record and maintenance requirements apply to any gas appliance installed in the “relevant premises.” Exceptions are:
 - i. Appliances owned by customers are not covered by the Landlord (Trust).
 - ii. Flues / chimneys / solely connected to an appliance owned by the customer are not covered by the Landlord (Trust).
- Trust has a duty to maintain and complete safety checks for fixed and portable appliances, such as Liquid Petroleum Gas (LPG) cabinet heaters.

4. Roles and Responsibilities

4.1. Trust Board

- The appointed Board will periodically review and ratify Trust’s Gas Safety Policy
- The Board will support the Chief Executive to ensure Trust maintains compliance with the Gas Safety Policy and all current gas safety legislation.
- The Board will review the findings of internal and external audits, actions, recommendations, and any gas safety failures. They will provide reasonable support and funding to ensure any non-compliance issues are identified and rectified.

4.2. Chief Executive Officer

The Chief Executive Officer as the most senior representative of Trust has overall responsibility for ensuring the delivery of the Gas Safety Policy. This includes:

- Ensuring Trust’s Gas Safety Policy and Procedures are periodically reviewed and updated to reflect the requirements of current gas safety legislation.
- Appointment of a suitable and competent Responsible Person to oversee ongoing management of the Gas Safety Policy & Procedures
- Support the Director of Assets & Sustainability and Responsible Person and ensure adequate resources are available to undertake their duties and responsibilities as defined in this policy.

4.3. Director of Assets & Sustainability

The Director of Assets & Sustainability is responsible for:

- Periodic reporting and updating the Board and Chief Executive Officer on performance delivery of the Gas Safety Policy. This includes overseeing quarterly reporting to the Internal Audit Committee and annual submissions for the Scottish Regulator’s Annual Return of the Charter (ARC).
- Ensure guidance, funding and support is available to the Responsible Person for delivery and management of the Gas Safety Policy.
- Review performance reports to ensure Trust are performing their duties in accordance with the policy requirements.

- Report any significant breaches, incidents and actions to the Board, Chief Executive Officer, and Senior Management Team

4.4. Head of Assets and Sustainability (Responsible Person)

The Head of Assets and Sustainability is the designated **Responsible Person** for ensuing implementation and delivery of the current Gas Safety Policy and Procedures. This includes:

- Ensuring practical delivery of all gas-related projects and maintenance contracts are undertaken in accordance with the policy and procedures.
- Undertaking periodic reviews of the policy and procedures to identify improvements, amendments, and any latest updates on gas-related legislation.
- Providing regular updates and reports for both review and approval by the Director of Assets, Chief Executive Officer, and Board
- With support from the Director of Assets & Sustainability, provide Management and Technical guidance to the Board and Chief Executive Officer to assist them with discharging their duties under this policy.
- Escalate all relevant issues, policy breaches and significant incidents are reported to the Director of Assets & Sustainability, Chief Executive Officer, and Board
- Provide support and guidance to Planned Maintenance, Investment & Compliance Manager, and key members of the Compliance Team to ensure operational management of the policy and procedures.
- Implement measures and controls to ensure all gas related emergencies are addressed within an adequate time.
- Ensure Trust has adequate external and internal communication processes in place to implement and deliver the Gas Safety Policy and Procedures in accordance with current gas safety legislation.

4.5. Planned Maintenance, Investment & Compliance Manager

- Operational management responsibility to ensure Gas Policy and Procedures are implemented for all maintenance and replacement contracts.
- Supports the Planned Works & Compliance Assistant and Compliance Monitoring & Business Improvement Officer in day-to-day delivery of cyclical Gas Safety Maintenance Contracts in all Trust premises and properties.
- Ensures periodic audits are undertaken and conduct performance reviews of contractors conducting maintenance and installation works in Trust premises and properties. Reports any significant actions to be escalated to the Responsible Person.
- Ensures planned works to new and existing gas installations are conducted in accordance with all relevant legislation including current Gas Safety Regulations and Construction (Design & Management) Regulations
- Supports Planned Works, Compliance & Improvement Officers in overseeing new and existing gas installation works including contract planning, monitoring, delivery, and post contract review.

4.6. Planned Works & Compliance Assistant

- Responsible for day-to-day administration of the Gas Maintenance contracts including preparing and reviewing lists of addresses for 10-month programming to meet the 12-month deadline. Duties also include administrating payment requests, variations, and invoicing.
- Overseeing arrangements when there are access issues; or, in worst case scenarios where gas needs temporarily capped; or, where forced access becomes the final option.
- Ensuring each relevant property and premises retain a Landlord Gas Safety Record for a minimum of 2 years. Gas Safety Records are uploaded into virtual filing cabinets in Rubixx (Trust's cloud-based housing management system).
- Arrange and oversee any remedial works identified in the Landlord Gas Safety Record. This includes consulting with contractors and customers whilst ensuring a record of all remedial works is retained in Rubixx.
- Arrange a monthly audit of Gas Safety Records issued by Trust's Gas Safety Maintenance Contractors. This includes instructing accredited third parties to conduct a 10% inspection check of all Landlord Gas Safety Records issued in this period. Any actions identified are passed onto maintenance contractors for review, amendments, and updates.
- Administrate and implement a supplementary desktop data audit on all Landlord Gas Safety Records using data compliance software (Provided by TCW). Once uploaded onto the cloud-based system, the software automatically assesses all types of Gas Safety Records for data breaches and ensures they are compliant with the current Gas Safety Regulations. Any remedial actions are passed onto the contractor for improvement action, amendment, and review.

4.7. Compliance Monitoring & Business Improvement Officer

The Compliance Monitoring and Business Improvement Officer has responsibility for monitoring a varied number of compliance and servicing contracts within the Assets and Sustainability department. This includes desktop monitoring of the Gas Safety Maintenance contract which includes:

- Supporting the Planned Works & Compliance Assistant in delivery of the Gas Safety Maintenance Contracts
- Assisting the Planned Works, Compliance & Investment Manager in periodic audits and reporting on Gas Safety Maintenance Contracts
- Conducting monthly internal audits of gas safety data held on Rubixx and TCW. Ensure all data and documents comply with the Gas Safety Policy. Any significant issues are escalated to the Planned Works, Compliance & Investment Manager.

4.8. Planned Works & Compliance Officers

The Planned Works & Compliance Officers oversee the cyclical replacement of existing gas installations. They also oversee new gas installations, where utility companies have provided a new gas supply connection to existing properties.

Their role is:

- Ensuring all Health and Safety aspects of planned works are considered prior to any new or existing gas installation works commencing. This includes collating any relevant Pre-Construction Health & Safety Information to allow development and approval of the Contractor's Construction Phase Plan.
- Ensuring the protection of existing gas installations, including pipe work and flues where there is a risk to safety or performance by alteration works. This should include ensuring risk assessments and control measures are in place prior to works commencing.
- Ensuring they are satisfied that installers conducting gas installation works to any new or existing gas appliances, flues or pipework have the relevant experience and are member of a Gas Safety Registered Scheme
- On completion of work, ensure the Principal /Contractor provides all relevant handover documentation including Health and Safety Files and Operation & Maintenance manuals. Installation, Test and Commissioning certificates for gas installations should be passed to the Planned Work and Compliance Assistant for future inclusion in the Gas Safety Maintenance programme.
- Ensuring any incidents, or, breaches of the relevant legislation are escalated to the Planned Works, Investment & Compliance Manager. Any significant actions will be escalated to the Responsible Person.

4.9. Contractors

- Contractors are required by the Gas Safety Regulations to ensure any persons they use to perform gas installation or maintenance work, either under contract, or on their behalf are Gas Safety Registered. This should include ensuring installers have up to date training, qualifications, and relevant experience to conduct the specified type of work required.
- The Health and Safety Executive Guidance states that the contractor must provide a Landlord's Gas Safety Record which includes the following:
 - i. Description of and the location of each appliance or flue checked.
 - ii. The name, registration number and signature of the persons carrying out the inspection.
 - iii. The date on which the appliance or flue was checked.
 - iv. The address (including postcode) of the property at which the appliance or flue is installed.
 - v. The name and address of the landlord (or their agent where appropriate)
 - vi. Any safety-related defect identified, and any remedial action taken.
 - vii. Confirmation the safety check includes an examination of the matters referred to in paragraphs (a) to (d) of regulation 26(9) of the Gas Safety (Installation and Use) Regulations 1998.

- Any contractor performing gas installation works on Trust properties or premises must ensure workmanship, fittings and materials used are in accordance with the Gas Safety Regulations.
- Principle Contractors / Contractors conducting planned works are required to develop and maintain a Construction Phase Plan prior to and during the length of the contract. This is a requirement for both new and maintenance works as required by the Construction (Design & Management) Regulations
- Principle Contractors / Contractors will be required to collate Handover documentation including a Health & Safety File and Operational and Maintenance Manuals. This should also include all Installation, Testing and Commissioning certificates.
- Trust has a duty under Regulation 34 to ensure they do not use or permit the use of a gas appliance if they know or suspect it to be unsafe. In this regard, contractors carrying out both maintenance or installation works also have a duty to report the use of a gas appliance if they expect it to be unsafe

5. Procurement Requirements

5.1. Procurement Policy

Trust will tender for Gas Safety Maintenance and Replacement Contracts in line with its Procurement Policy ensuring value for money and quality of service.

5.2. Procurement Routes

Trust utilises a variety of procurement routes when tendering contracts including arranging their own tendering exercises. In some instances, Trust will utilise external frameworks such as Scotland Excel, Procurement for Housing, Scottish Procurement Alliance and Fusion2.

5.3. Qualified & Experienced Contractors

Prior to appointing Contractors, Trust will ensure installers of gas installations have relevant experience and membership of the Gas Safe Registered Scheme. They should also demonstrate a robust management system is in place for managing works, employees, and subcontractors, prior to any works commencing.

6. Quality Control

6.1. Management & Audit of Annual Gas Maintenance Contract

- A 10% monthly audit inspection of the Gas Maintenance Safety Records is carried out by an external third party. Actions raised are addressed with the Gas Maintenance Contractor through regular progress meetings.
- An internal audit comprising a 10% review of existing gas safety data and documentation is carried out monthly. Any significant actions are escalated to the Planned Maintenance, Compliance & Investment Manager

- A supplementary data audit using TCW compliance software is carried out on all Landlord's Gas Safety Records. The software scans the data on each certificate and ensure it's in compliance with the current Gas Safety Regulations. Actions are addressed with contractor and significant findings escalated.
- To ensure a Landlord Gas Safety Record is provided within the required 12-month period. Trust implements and monitor a rigorous annual maintenance programme to ensure all properties have a compliant Gas Safety Record.
 - i. Annual inspection commences 10 months after the date on the previous Landlord's Gas Safety Record.
 - ii. The contractor issues each customer with an inspection date with 14 days to respond. If the date is not convenient, the customer is encouraged to contact the contractor to arrange an alternative date. In the event of a no access, the contractor will provide a second appointment with 7 days to respond.
 - iii. In the event of a second no access event, Trust will try to contact the customer. If they cannot be reached, Trust will issue a 1st No Access letter with an appointment date within 7 days.
 - iv. If access is still not provided. Trust will again try to contact the customer. If they cannot be reached, a 2nd No Access letter will be hand delivered with a new appointed date. Where possible, customer's gas will be temporarily capped.
 - v. Where a master key is available in staffed developments. This will be used to gain essential access under the circumstances described within the procedure for Use of Master Key in Developments.
 - vi. If no access is forthcoming and the gas supply cannot be capped. A management approved final notice will be hand delivered to the customer noting forced access will commence within 24 hours.
 - vii. In the event of a forced access, the property will be made secure and safe. The customer will be required to contact Trust to arrange access to the property.
 - viii. All expenses and damaged incurred due to the forced access will be charged to the customer.
- Where required Trust may be required to carry out a forced access in the event, we cannot gain access to a property through routine means. The forced access process is available at Appendix 1: Forced Access Procedure.
- For Mid-Market Rent properties, Trust cannot force access under the terms of the tenancy agreement, but we will, where required seek a court order to allow us to force access to discharge our duties.
- For all properties, Trust will follow due process and force access where required.

6.2. Management of New and Existing Gas Installations

- All contractors carrying out planned works in Trust premises and properties are required to provide a Construction Phase Plan as part of the Construction (Design & Management) Works 2015. This includes the provision of risk

assessments, control measures and methods on how the works will be carried out in a safe manner.

- Where planned works include new or existing gas installations, supplementary information in the Construction Phase Plan should demonstrate how they will meet the requirements of all gas safety legislation.
- On completion of works, the Contractor is to provide relevant handover documentation in both hard and digital copies. This should include a Health and Safety File and Operational & Maintenance manuals of the installations. All Installation, Testing and Commissioning certificates will be passed on to the Planned Works and Compliance Assistant for future inclusion in the Gas Safety Maintenance programme. All contract documents and drawings will be retained for future reference.

6.3. Management of Newbuild & Remodelling Projects

The Head of Assets and Development is responsible for ensuring any newbuild or remodelling projects are managed in accordance with this current Policy and Gas Safety legislation. This includes the following:

- Where new or existing gas installations are specified as part of a newbuild or remodelling project. At the earliest stage, Trust will ensure all relevant appointments such as Designers, Specifiers, Contract Administrators, Surveyors, Safety Advisers, and Inspectors have the relevant, experience, insurances, and qualifications to design and oversee each project.
- All parties of the Project and Construction team should be aware of their duties and requirements under the Construction (Design & Management) Regulations and current Gas legislation. Appointments should be made at the earliest stage to allow collation of Pre-construction information including designer risk assessments and passed onto the Contractor for development of the Construction Phase Plan and Health & Safety File.
- All appointed contractors must provide evidence they have the relevant qualifications, experience, and competencies to manage and undertake the works in accordance with all relevant legislation
- Contractors must demonstrate a robust management system is in place to ensure all planned works to a new or existing gas installations will be adequately supervised and undertaken by experienced members of the Gas Safety Registration Scheme. A process should be in place for identifying and selecting competent and experience persons or subcontractors.
- Designers, Specifiers and Contractors must ensure that all components, materials, and fitments specified and used for gas installations are in accordance with the Gas Safety Regulations.
- On completion of projects, All Installation, Testing and Commission documentation will be passed to the Compliance Team for inclusion into future Gas Safety Maintenance programme.
- All Handover documentation such as Health and Safety Files and Operational & Maintenance Manuals are to be retained for future reference. Trust requires both physical and digital copies of this documentation is provided at the end of each project.

6.4. Audit & Performance Reporting

- Quarterly reports will be prepared & issued to the Audit & Performance Committee
- Annual performance reports will be prepared and issued in the Annual Return of the Charter

7. Voids, Internal Transfers & Mutual Exchanges

7.1. Voids & Transfers

Trust will ensure gas safety checks are undertaken in all void properties prior to new customers taking up a new tenancy. Transfers will be treated as a void property.

7.2. Mutual Exchanges

When a mutual exchange of properties takes place between two customers, a gas safety check will be carried out prior to property being let, immediately prior to the exchange date. This is to ensure the property is safe. The check will be arranged regardless of when the last annual inspection was undertaken.

8. Training & Competency

8.1. Gas Safety Awareness Training

All staff with responsibilities in Gas Safety Management are required to undertake Gas Safety Awareness Training and ensure they are familiar with this policy and their specific roles and responsibilities. They should also ensure they are up to date with current Gas Regulations.

8.2. Accredited Training Courses

Trust encourage staff directly involved in Gas Safety Management to undertake accredited training courses to further their skills and knowledge.

8.3. Training Records

Trust's People Team will maintain a record of gas safety training for both existing and new members of staff.

9. Outcomes & Standards

9.1. Scottish Social Housing Charter Outcomes & Standards

- Outcome 1: Equalities
- Outcome 4: Quality of Housing
- Outcome 5: Repairs, maintenance, and improvements

- Outcome 13: Value for money

9.2. Regulatory Standards of Governance & Financial Management

- The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users. (*Standard 1*)
- The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. Its primary focus is the sustainable achievement of these priorities. (*Standard 2*)
- The RSL manages its resources to ensure its financial well-being, while maintaining rents at a level that tenants can afford to pay. (*Standard 3*)
- The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisations purpose. (*Standard 4*)
- The governing body and senior officers have the skills and knowledge they need to be effective (*Standard 6*)

10. Data Protection

We will comply with the provisions of the Data Protection Act 2018, which gives individuals the right to see and receive a copy of any personal information that is held about them by the Association and to have any inaccuracies corrected.

11. Anti-Bribery

Trust is committed to the highest standards of ethical conduct and integrity in all its activities and, to ensure compliance with the Bribery Act 2010, it has introduced an Anti-Bribery policy and procedures. These must be adhered to by all colleagues, Board Members and associated persons or organisations acting for or on behalf of Trust when undertaking any actions referred to in this policy.

12. Statement Equality, Diversity & Inclusion (EDI)

As leaders of EDI, Trust aims to promote equality and diversity and operate equal opportunities policies which inform all aspects of its business. It will ensure that it adheres to the Equality Act 2010 by being committed to equal and fair treatment for all and opposed to any form of unlawful discrimination. As such, in considering this policy, no one will be treated differently or less favourably than others because of any of the protected characteristics as listed in the Equality Act 2010:

- disability;
- sex;
- gender reassignment;
- pregnancy and maternity;
- race;
- sexual orientation;

- religion or belief;
- marriage and civil partnership;
- age;

or because of any other condition or characteristic which could place someone at a disadvantage were it to be considered unless this can be objectively justified in terms of the legislation.

Trust will make reasonable adjustments for disabled people where necessary and possible to do so and will use Happy to Translate tools and procedures to help overcome a language barrier.

13. Policy Review

This policy will be reviewed on a three-yearly basis. The purpose of the review is to assess the policy's effectiveness and adhering to current legislation and good practice and identify any changes which may be required.

14. Document References

In all the Trust's official documents, where references are made to specific job titles, roles, groups or committees, such references shall be deemed to include any changes or amendments to these job titles, roles, groups or committees resulting from any restructuring or organisational changes made within Trust (or, where this policy also applies to another member of the Trust group, made within that group member) between policy reviews.

15. Version Control Log

Version	Updated by	Date	Changes
V1.1	Calum Boag	28 th February 2024	<p>2.2 Reference to the repairing standard added.</p> <p>6.1 Additional bullet point added to reference access to Mid-Market Properties</p> <p>6.1 Additional bullet point added explicitly calling out Trusts commitment to force access where required.</p> <p>6.1 Reference to new Forced Access Appendix Included.</p> <p>Appendix 1 – Created new Forced Access Process Flowchart</p>

Appendix 1 - Forced Access Procedure

