

# Electrical Safety in Social Housing

## Consultation Submission

### 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](http://www.electricalsafetyfirst.org.uk/westminster).

**Question 1 (a): Do you agree that mandatory inspection and testing at least every five years of electrical installations should be a legal requirement in the social rented sector? If yes, please answer question 1 (b). Please provide supporting details.**

Yes.

There should be a legal requirement. 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 PRS<sup>i</sup>. This is in accordance with the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020<sup>ii</sup>.

However, responses to the social housing Green Paper showed overwhelming support for consistency in safety measures across the PRS and SRS.<sup>iii</sup> 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.’<sup>iv</sup>

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<sup>v</sup>. This is in accordance with the Gas Safety (Installation and Use) Regulations 1998<sup>vi</sup>. 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<sup>vii</sup>. In addition, the risk posed by electricity is likely to increase due to the increased electrification of heat<sup>viii</sup>.

#### *Parity across Great Britain*

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

Indeed, by comparison:

- Social landlords in Scotland must also arrange for electrical safety checks to be carried out every five years. This requirement was introduced in June 2020 through an amendment to the Scottish Housing Quality Standard<sup>x</sup>.
- From December 2022, the Renting Homes (Wales) Act 2022 will mean that social tenants in Wales will be protected by mandatory electrical safety checks<sup>xi</sup>.

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

**Question 1 (b): If yes, should it be a requirement that a copy of the EICR report be issued to social residents within 28 days, or to any new tenant before they occupy the property?**

Yes.

This would be consistent with the regulatory regime for the PRS under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

This would also be consistent with the regulatory regime for annual gas safety checks under the Gas Safety (Installation and Use) Regulations 1998. These regulations require landlords to provide a copy of the gas safety certificate

- a. To new tenants before they occupy the property; and
- b. To existing tenants within 28 days of the gas safety check being carried out.

It would, therefore, be appropriate for the same timeframe to operate in relation to electrical safety checks in the SRS.

**Question 2 (a): Do you agree that PAT testing of appliances provided by social landlords should be a legal requirement? If yes, please answer 2(b). Please provide supporting details.**

Yes.

Electrical Safety First analysis of Home Office data shows that appliances account for 26% of all dwelling fires<sup>xii</sup>. 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<sup>xiii</sup>. For instance, Southern Housing Group's electrical safety policy makes provision for regular PAT testing of appliances<sup>xiv</sup>. 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<sup>xv</sup>. 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 where both an EICR and PAT testing of appliances are required<sup>xvi</sup>.

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<sup>xvii</sup>, i.e., may have electrical appliances included as part of the letting.

**Question 2 (b): Do you agree that the frequency of PAT testing should be determined according to risk assessment, but that evidence of PAT testing must be provided with an EICR certificate to ensure PAT testing is completed at least every five years?**

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 EICR, i.e., before the commencement of a tenancy or within 28 days of an EICR being undertaken.

**Question 3: Do you agree that PAT testing of residents' personal appliances should not be a legal requirement?**

Yes.

However, only safe products should be made available to consumers both now and in the future. Worryingly, this is not the case on online marketplaces<sup>xviii</sup>. These platforms are subjected to fewer regulations than high street retailers and are not recognised as actors in the supply chain<sup>xix</sup>. As a result, these platforms are a hotbed for unsafe electrical products, with investigations by Electrical Safety First repeatedly finding unsafe products sold on online marketplaces<sup>xx</sup>.

Given that unsafe products are likely to be priced lower than safe ones, people on lower incomes (and, therefore, those often living in social housing) are more likely to purchase non-compliant and potentially unsafe products. To protect those living in social housing – and consumers more generally – it is vital that online marketplaces are held responsible for the safety of products sold on their platforms.

Relatedly, there are no requirements in relation to the registration of electrical products, which plays a crucial role in ensuring consumer safety in the event of a product being subject to a recall.

The Government should, therefore, seek to raise awareness amongst consumers of the benefits of registering electrical products – particularly in terms of notifying consumers if a product is unsafe, and thereby improving the traceability of products.

Additionally, the Government should work closely with the manufacturing industry and trade bodies to improve the recall success rate for electrical goods. At present, the recall success rate in the electrical goods industry is lower than other industry, such as the motor vehicle industry.

This is concerning as recalled electrical products present a risk of electric shock or have the potential to cause fires. This has been evidenced by the fire in Shepherds Court in 2016 caused by a recalled tumble dryer<sup>xxi</sup>. This occurred in a social housing block – and demonstrates that unsafe appliances combined with the high density of social housing can place a significant number of residents at risk.

Lastly, it is crucial that the social tenants – and consumers more generally – are aware of how to use their electrical appliances safely.<sup>xxii</sup>

**Question 4: Do you think a legal requirement for electrical safety checks would improve landlord access to properties to carry out checks? Please provide supporting details.**

Yes.

Several social landlords already undertake electrical safety checks on a five yearly basis as best practice. For instance, Southern Housing Group<sup>xxiii</sup>.

However, unlike with gas (where safety checks are mandated by law), research undertaken by Electrical Safety First and York University found that landlords experience far greater difficulty in gaining access to properties to undertake electrical safety checks<sup>xxiv</sup>. Lack of explicit legislation and lack of awareness amongst tenants of the benefits of electrical safety checks were two barriers cited by landlords<sup>xxv</sup>.

By contrast, many landlords reported the relative ease of gaining access to properties for the purposes of undertaking gas safety checks<sup>xxvi</sup>. This is because gas safety checks are mandated at law under the Gas Safety (Installation and Use) Regulations 1998<sup>xxvii</sup>.

Therefore, a legal requirement for electrical safety checks in the SRS would likely improve landlords' ability to access properties to carry out checks.

**Question 5: Do you think there is more that government could do to ensure social landlords are able to access properties and carry out these checks?**

Yes.

The Government should undertake awareness raising and consumer education activities. This would ensure that tenants are aware of their right to live in a safe home – and that, as part of this, their landlord will be required to undertake regular electrical safety checks under Clause 10 of the Social Housing (Regulation) Bill<sup>xxviii</sup>.

Most importantly, tenants should be made aware of the safety benefits that regular electrical safety checks provide. This should mean that tenants will be more willing to grant their landlord access to their property for this purpose.

At present, it seems that tenants do not appreciate the safety benefits that an electrical safety check offers – and are, therefore, less likely to provide their landlord with access. Indeed, research undertaken by Electrical Safety First and York University found that several social landlords were currently unable to access properties in order to undertake electrical safety checks<sup>xxix</sup>.

**Question 6: Do you agree that the Guide for landlords offers suitable advice for landlords to identify competent and skilled inspectors, and could be applied to the social rented sector?**

Yes.

The Guide for landlords refers to the competent persons schemes<sup>xxx</sup>, which allows landlords to identify competent and skilled inspectors.

However, it is worth noting that several social landlords have in-house electricians<sup>xxxi</sup> and are less likely to rely on external electricians than landlords in the PRS.

As such, it may be worth establishing revised guidance that caters directly to the SRS – and provides landlords with adequate resources to ensure that their electricians are appropriately skilled and up to date with the latest changes in Standards (e.g. BS 7671) and best-practice in the industry.

In addition, it would be valuable to mirror the PRS by providing separate guidance for tenants and the Regulator of Social Housing. Relating to tenants, guidance explaining what an EICR is, what the relevant codes are, and how to read a report would be useful.

**Question 7: Should any requirements be introduced in a phased way as exemplified above?**

Yes.

Any requirements introduced should be done so in a phased way. An analogous approach to that taken in the PRS should be adopted. As such, the requirement should come into force for new tenancies in the first year once regulations are made, and for all tenancies in the following year.

**Question 8: Would 28 days be a sufficient period for social landlords to complete any remedial works?**

No.

Whilst landlords in the PRS have 28 days to undertake remedial works, there are several differences between the PRS and SRS, which means a similar period in the SRS would be inappropriate.

In particular:

- a. Social landlords are likely to have a greater number of properties in their portfolio as compared with the PRS; and
- b. Social landlords are likely to experience greater access challenges as compared with the PRS.

However, there does still need to be a clear framework in which social landlords should complete any remedial works. This should be as soon as is practicably possible with a deadline set, for instance, at 3 months to complete all works.

**Question 9: Should any regulations introduced be enforced by local housing authorities?**

No.

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<sup>xxxii</sup> they manage had an Electrical Installation Condition Report (EICR) that was over 10 years old<sup>xxxiii</sup>.

**Question 10: Do you agree that the penalty for non-compliance of any regulations introduced should be a civil penalty of up to £30,000?**

Yes.

The Government, in its Social Housing Charter, committed to ensuring that ‘safety measures in the social sector should be in line with the legal protections afforded to private sector tenants’<sup>xxxiv</sup>.

Under s.11 of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, local authorities can fine landlords up to £30,000 for breaching their duties under the regulations<sup>xxxv</sup>. The amount of this fine is determined by the local authority imposing the fine<sup>xxxvi</sup>.

On this basis, and in order to ensure consistency between the PRS and SRS, the penalty for non-compliance should be a penalty of up to £30,000. The amount of the fine in individual cases should be determined by the Regulator of Social Housing.

**Question 11: Would you support the introduction of a mandatory requirement for electrical installation checks in owner-occupier properties within social housing blocks?**

Yes.

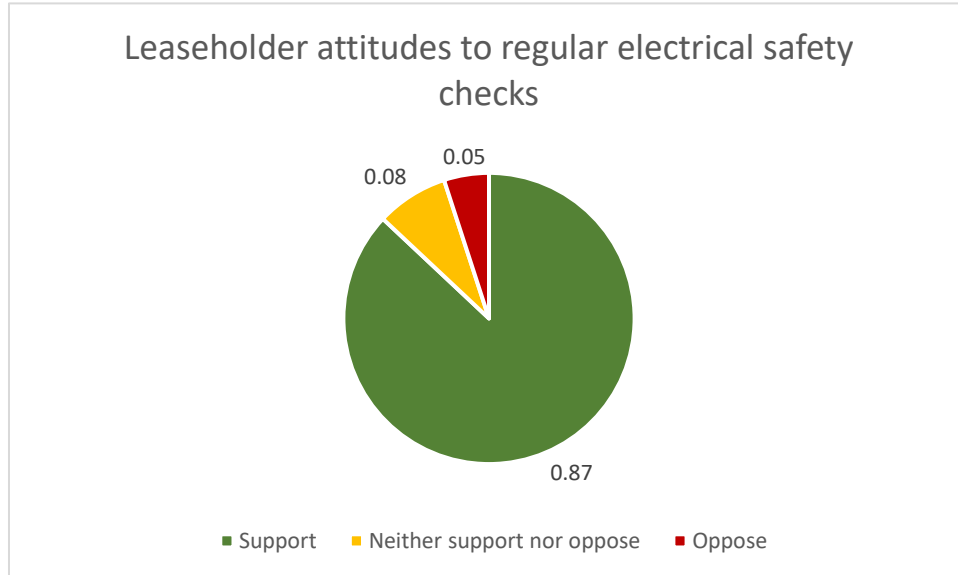
In social housing blocks, the safety of the entire building is contingent on the electrical safety within individual premises.

By introducing a requirement for social landlords to undertake electrical safety checks, Clause 10 of the Social Housing (Regulation) Bill<sup>xxxvii</sup> 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<sup>xxxviii</sup>. 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.

In order to overcome this, it is, therefore, essential that electrical installation checks apply to leaseholders in social housing blocks too. This will be a small number of properties – however, the safety of the electrical installations in these properties is crucial to ensuring the safety of the entire social housing block.

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<sup>xxxix</sup>. Indeed, 91% of these leaseholders were more concerned about their safety following the Grenfell Tower fire<sup>xl</sup>.



**Question 12: If yes, do you agree this requirement should apply every five years?**

Yes.

Ensuring the requirement applies every five years would create a consistent regulatory regime across different tenure types.

This is because the requirement to undertake electrical safety checks is at least every five years in the PRS, and Clause 10 of the Social Housing (Regulation) Bill, currently before Parliament, proposes the same timeframe in the SRS<sup>xli</sup>.

**Question 13: What are your views on whether this requirement should be placed on owner-occupier leaseholders or their freeholders? Please provide supporting details.**

The requirement should lie with leaseholders. This is because:

- a. Freeholders would experience difficulties gaining access to leasehold properties. When compared to the PRS or SRS, freeholders have limited recourse mechanisms through which to gain access to properties sold on long leases.
- b. Leaseholders may already be undertaking regular electrical safety checks if their property is rented in the PRS. Placing the obligation on leaseholders, therefore, prevents regulatory duplication.

- c. The electrical installations within a leasehold property will belong to the individual leaseholder. As such, the leaseholder will be best placed to initiate any remedial works that may be required following an EICR.

**Question 14: If this requirement were to be placed on the owner-occupier, do you have any views on how it should be enforced? Please provide supporting details.**

The requirement should be enforced by the freeholder and individual leaseholders should be required to provide the freeholder with an up-to-date EICR.

The greatest concern, in terms of fire safety, will be in occupied “higher risk buildings”. These are buildings that are at least 18 metres in height or have at least 7 storeys<sup>xliii</sup>.

In accordance with s.72 of the Building Safety Act 2022, the Accountable Person is likely to be the freeholder<sup>xliii</sup>.

The Accountable Person has a duty to assess the safety risk of the higher-risk building on an ongoing basis and to take all reasonable steps to prevent a major incident occurring and reduce the severity of any such incident<sup>xliii</sup>. This should include ensuring that all properties in an occupied “higher risk building” have an up-to-date EICR. As such, it is logical for the responsibility for enforcement to lie with the freeholder.

Given the wider implications for safety, the freeholder should be empowered to take enforcement action against leaseholders who fail to supply them with an up-to-date EICR.

**Question 15: Do you have any views on how best to minimise the cost burdens of extending these requirements to owner-occupying leaseholders in social housing blocks? Please provide supporting details.**

The cost of an EICR is estimated at between £150 and £200<sup>xliv</sup>. By contrast, the cost of a house fire is estimated to be at least £44,500<sup>xlvi</sup>.

Therefore, whilst an EICR incurs a short-term expense, the prevention of fire saves households a significant sum of money in the long term.

Indeed, leaseholders place a high premium on knowing their homes are safe. 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<sup>xlvii</sup>.

**Question 16: Do you have any other comments that have not been captured elsewhere in this consultation?**

Yes.

In order to achieve the Government’s commitment that “safety measures in the social sector should be in line with the legal protections afforded to private sector tenant”,<sup>xlviii</sup> it is vital that electrical safety checks (in the form of a requirement for social landlords to undertake EICRs) be introduced without delay.



This would ensure that social tenants are afforded the same protections as their counterparts living in the PRS.

In addition, given the specific vulnerabilities faced by tenants living in the SRS, and for the reasons outlined above, there should be a requirement for PAT testing of appliances too.

However, EICRs and PAT testing should not be viewed as substitutes for one another. Instead, the two measures are complementary and to ensure robust protections for tenants living in the SRS, it is crucial that both measures be implemented in tandem.

Lastly, in multi-dwelling buildings, there should be analogous requirements for communal areas – requiring the landlord to undertake electrical safety checks in these areas at least every five years. Without such a requirement, electrical faults in these areas 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.

## Contact Details

Daanial Chaudhry  
Policy & Public Affairs Advisor  
[Daanial.chaudhry@electricalsafetyfirst.org.uk](mailto:Daanial.chaudhry@electricalsafetyfirst.org.uk)  
+44 (0) 7879 480 972

---

<sup>1</sup> <https://www.legislation.gov.uk/ukdsi/2020/9780111191934>

<sup>2</sup> Ibid.

<sup>3</sup> <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>

<sup>4</sup> <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>

<sup>5</sup> <https://www.legislation.gov.uk/ukdsi/1998/2451/contents/made>

<sup>6</sup> Ibid.

<sup>7</sup> <https://www.electricalsafetyfirst.org.uk/what-we-do/our-policies/westminster/statistics-england/>

<sup>8</sup> <https://www.electricalsafetyfirst.org.uk/media/q1iknvqz/electrical-safety-first-future-homes-report-september-2021.pdf>

<sup>9</sup> Scottish Housing Quality Standard: guidance for social landlords - gov.scot ([www.gov.scot](http://www.gov.scot))

<sup>10</sup> <https://www.electricalsafetyfirst.org.uk/sociallandlordsscotland> <https://www.legislation.gov.uk/asp/2006/1/contents>

<sup>11</sup> <https://gov.wales/landlords-housing-law-changing-renting-homes>

<sup>12</sup> <https://www.electricalsafetyfirst.org.uk/what-we-do/our-policies/westminster/statistics-england/>

<sup>13</sup> <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>

<sup>14</sup> <https://www.shgroup.org.uk/media/986345/electrical-safety-policy.pdf>

<sup>15</sup> <https://www.whitegates.co.uk/news/white-goods-landlord-responsibility>

<sup>16</sup> Scottish Housing Quality Standard: guidance for social landlords - gov.scot ([www.gov.scot](http://www.gov.scot))

<sup>17</sup> <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>

<sup>18</sup> <https://www.electricalsafetyfirst.org.uk/media/wwdtpjo/online-marketplaces-the-evidence-and-impact.pdf>

<sup>19</sup> Ibid.

<sup>20</sup> <https://www.independent.co.uk/news/uk/advertising-standards-authority-b2066195.html>

<sup>21</sup> <https://www.insidehousing.co.uk/insight/insight/a-stark-warning-the-shepherds-bush-tower-block-fire-50566>

<sup>22</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1077145/Fire\\_Safety\\_in\\_the\\_Home\\_v4\\_-\\_Web\\_accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1077145/Fire_Safety_in_the_Home_v4_-_Web_accessible.pdf)

<sup>23</sup> <https://www.shgroup.org.uk/media/986345/electrical-safety-policy.pdf>

<sup>24</sup> <https://www.electricalsafetyfirst.org.uk/media/mtlslfsl/social-rented-sector-policy-paper-march-2021.pdf>

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> <https://www.legislation.gov.uk/ukdsi/1998/2451/contents/made>

<sup>28</sup> <https://bills.parliament.uk/publications/46715/documents/1907>

<sup>29</sup> <https://www.electricalsafetyfirst.org.uk/media/mtlslfsl/social-rented-sector-policy-paper-march-2021.pdf>

<sup>30</sup> <https://www.gov.uk/government/publications/electrical-safety-standards-in-the-private-rented-sector-guidance-for-landlords-tenants-and-local-authorities/guide-for-landlords-electrical-safety-standards-in-the-private-rented-sector>

<sup>31</sup> <https://www.shgroup.org.uk/media/986345/electrical-safety-policy.pdf>

<sup>32</sup> <https://www.expressandstar.com/news/local-hubs/sandwell/2022/06/06/sandwell-council-refers-itself-to-housing-watchdog-over-electrical-reports-for-social-housing/>

<sup>33</sup> <https://www.electricalsafetyfirst.org.uk/media-centre/press-releases/2022/06/comment-on-sandwell-council-referring-themselves-to-the-social-housing-regulator/>

<sup>34</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/936106/The\\_charter\\_for\\_social\\_housing\\_residents\\_-\\_social\\_housing\\_white\\_paper\\_large\\_print.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/936106/The_charter_for_social_housing_residents_-_social_housing_white_paper_large_print.pdf)

<sup>35</sup> <https://www.legislation.gov.uk/ukdsi/2020/312/part/5/made>

<sup>36</sup> Ibid.

<sup>37</sup> <https://bills.parliament.uk/publications/46715/documents/1907>

<sup>38</sup> Ibid.

<sup>39</sup> Survey conducted by Censuswide on behalf of Electrical Safety First. Sample size of 100 leaseholders.

<sup>40</sup> Ibid.

<sup>41</sup> <https://bills.parliament.uk/publications/46715/documents/1907>

<sup>42</sup> <https://www.legislation.gov.uk/ukpga/2022/30/section/65/enacted>

<sup>43</sup> <https://www.legislation.gov.uk/ukpga/2022/30/contents/enacted>

<sup>44</sup> <https://www.legislation.gov.uk/ukpga/2022/30/contents/enacted>

<sup>45</sup> <https://www.britisshgas.co.uk/home-services/landlords/electrical-installation-condition-report.html>

<sup>46</sup> <https://www.electricalsafetyfirst.org.uk/media/lwnlbt/key-policies-for-england-at-a-glance.pdf>

<sup>47</sup> Survey conducted by Censuswide on behalf of Electrical Safety First. Sample size of 100 leaseholders.

<sup>48</sup> <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>