Acknowledgements

We are very grateful to the participants who gave up their time to be interviewed for this project.

We would like to thank Robert Jervis-Gibbons, Electrical Safety First, for his support with the research process, and Electrical Safety First for funding the study.

DISCLAIMER
The views presented in the report are not necessarily those of the University of York. Responsibility for any errors rests with the authors.
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Executive Summary

Introduction

The Centre for Housing Policy, University of York, was commissioned by Electrical Safety First (ESF) to explore electrical safety in the social Rented Sector in England. The aim of this study was to reveal more about current arrangements in the social rented sector, and to examine current practice. The study included an analysis of the English Housing Survey (EHS), and semi-structured qualitative telephone interviews with a range of stakeholders, including 15 interviews with a range of social landlords located across England (local authorities, Arm’s Length Management Organisations (ALMOs) and housing associations), and 12 interviews with national representative organisations, contractors and consultants.

Findings

The analysis of the English Housing Survey showed that the social rented sector has a lower proportion of properties that require electrical repairs than the other housing tenures, and properties in the social rented sector are far more likely to have modern electrical safety devices present. This is especially the case with properties owned by housing associations, which have the highest proportion of homes built after 1990. There were spatial differences within the social rented sector in terms of proportions of properties that required an electrical repair. The North East had the lowest rate of homes requiring electrical repair and London the highest.

Although respondents reported observing a variety of practice across the sector, most of the social housing providers who participated in the study used a five year timeframe between inspections for fixed installations in their own housing stocks. Respondents who were contractors and/or consultants could comment on practice across a range of social housing providers and noted that most providers undertook inspections at five-yearly intervals, with a smaller number undertaking inspections with longer timeframes (usually up to ten years). This latter group of respondents also noted that in their experience a very small number of providers did not undertake cyclical inspections, and relied on voids to undertake inspections. It thus
appeared that the industry is coalescing around five-yearly inspections, but this finding must be tempered by the scale of the study, and potential bias in the method that relied on landlords and organisations opting in to the study. Nevertheless, the direction of travel towards this practice is apparent.

The majority of respondents would welcome the introduction of a mandatory timeframe for undertaking periodic inspections; however, this view was not universal. Respondents who questioned the need for mandatory timeframes for inspections highlighted a range of issues: that stronger evidence was required of the integrity of installations over distinct time periods compared with risks posed by householder behaviour; any move towards mandatory inspections should be undertaken in consultation with the sector, in order to arrive at a judgment about balancing proportionate risk against the cost of this approach, and also that risk based approaches should be utilised.

Resistance to a move towards mandatory timeframes for inspections could be minimised if there was clear evidence of the need for this approach in terms of tenant safety goals and in reduced day to day expenditures. Nevertheless, additional demand in the system for electrical work across the industry would exert pressure on a sector that many felt was stretched already in terms of capacity.

Although the complexity of data, stock, contracts and organisations is managed successfully by many landlords, respondents indicated that some organisations, including some smaller landlords, found this challenging. Similarly the ambiguity about the frequency and quality of inspections can inhibit the management of maintenance at scale, which is delivered through sometimes complex supply chains.

Many landlords reported that their ability to secure access to properties to undertake periodic inspections was problematic, which was inhibited by the lack of prescription in landlords’ legal obligations. The introduction of more frequent periodic inspections itself posed a problem with regard to an awareness by tenants of the need for such regular inspections.

Respondents reported very diverse practice with regard to raising awareness about electrical safety among tenants, although many highlighted the range of approaches that they used to promote this topic by signposting to information and guidance
elsewhere, as well as passing on specific news on product recalls, for example. Nevertheless, some respondents emphasised the broader responsibility for raising awareness of electrical safety not only across the electrical industry, but more widely by government.
Chapter One: Introduction

The Centre for Housing Policy, University of York, was commissioned by Electrical Safety First (ESF) to explore electrical safety in the social rented sector in England. Previous research has noted that social rented housing has relatively high levels of electrical safety compared with both the owner occupied and privately rented sectors (Holley-Moore and Scrutton, 2015). The government has recently moved to tighten up electrical safety in the private rented sector (PRS). As part of a wider review of fire safety guidance, the government recently announced that a mandatory requirement would be introduced on landlords in the private rented sector to ensure electrical installations in their property are inspected every 5 years\(^1\).

This change would bring electrical safety checks in the privately rented sector in England more into line with developments in Scotland. From 1\(^{st}\) December 2015, private landlords in Scotland were responsible for ensuring that an electrical safety inspection of their property was carried out by a registered electrician at least every five years. That is, any new private tenant should receive an Electrical Installation Condition Report (EICR) if they took up their tenancy after the 1\(^{st}\) December 2015. Any existing private tenant should receive a copy of an EICR before the 1\(^{st}\) December 2016 (unless their tenancy ended before that date). Any EICR produced after 1\(^{st}\) December 2015 also needed Appliance test reports.

However, notwithstanding the higher levels of electrical safety in the social rented sector, ESF suggest that any move towards a statutory requirement of this nature in the PRS in England could lead to an unintended loophole in the legislation and the potential creation of a two-tier system of safety for tenants living in the social rented sector. Furthermore, the Green Paper, ‘A new deal for social housing’, also poses questions about how far the changes to the private rented sector in relation to electrical safety should also apply to the social rented sector (MHCLG, 2018a). The aim of this study was to reveal more about current arrangements in the social rented sector, and to examine current practice.

\(^1\) \url{www.gov.uk/government/news/brokenshire-moves-to-review-building-regulations-fire-safety-guidance}
Background

Social rented housing includes rented housing owned and managed by local authorities (LAs) and private registered providers (as defined in Section 80 of the Housing and Regeneration Act, 2008). The latter predominantly includes housing associations (HAs), which are not-for-profit bodies that provide low-cost housing. In 2015 there were 2,387 thousand dwellings owned by housing associations, and 1,643 thousand dwellings owned by local authorities (National Audit Office, 2017).

Recently a small number of private investors have also been increasingly active in the sector (see Blackman, 2017). In addition, there has been further blurring of tenure boundaries as social housing providers increasingly offer market rented properties (Rugg and Rhodes, 2018). This study, however, focusses on properties let at sub-market social and affordable rents, as set through the national rent regime in England.

The number of homes in the social rented sector has declined since the 1980s. Whereas there were 5,488,000 homes in England in this sector in 1981, by 2015 this figure had declined to 4,030,000 (National Audit Office, 2017). Recent trends show that whilst the stock of social rented properties had been stable for about a decade prior to 2012, after this date the number of properties in this sector declined rapidly. Between 2012 and 2015 the number of social rented homes fell by more than two percent - a loss of 95,755 dwellings (Wilson and Barton, 2018). There are a number of reasons for this decline, including demolitions, limited new supply and the Right to Buy (see Wilson and Barton, 2018). However, Wilcox et al. (2018; p.9) point to a recent slight increase in supply. A further pressure on the sector was the requirement to reduce rents by one percent each year from April 2016 to 2020, not only impacting on investment capacity but wider capacity to maintain existing stock. Wilcox et al. (2018; p.6) argue that the Grenfell tragedy highlights the need for greater investment in the existing social housing stock, but that the resources for keeping homes up to the Decent Homes Standard are being eroded.

Within this wider context social housing providers have requirements to ensure electrical safety within their stock. The regulatory requirement falls across a range of legislation that covers how providers ensure the safety of households, staff and
employees, including the safety of individuals undertaking repairs and checks for electrical safety:

- Housing Act 2004 (with regard to the Housing Health and Safety Rating System that includes the identification of electrical hazards).
- Electricity at work Regulation 1989.

A range of organisations have also published further guidance and examples of practice with regard to electrical safety applicable to the social rented sector. For example, the National Housing Maintenance Forum (NHMF) provides guidance to social landlords, setting out how they can meet their obligations, which also includes examples of practice by individual landlords. Further examples of individual practice are available via networks and forums such as the Housing Quality Network. Broader guidance is also available from a range of sources that is not necessarily specific to the social rented sector.

Recent debate within the social housing sector has highlighted some of the issues facing social housing landlords with regard to compliance and electrical safety. A significant feature is that the legislation does not prescribe how social housing providers demonstrate that households are safe. Instead, there is scope for interpretation around the issue of guidance for best practice. Currently both the law and professional guidance differentiate between types of dwellings in their advice and/or instructions regarding electrical safety. In offering guidance on the intervals between periodic inspections of electrical installations, the IET Table 3.2 BS7671 distinguishes between domestic dwellings that are owned and those that are rented, recommending shorter five-yearly inspection intervals for rented homes and ten

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2 https://www.nhmf.co.uk/bestpractice/compliance/electrical
3 https://www.insidehousing.co.uk/sponsored/sponsored/getting-compliance-right
years for other domestic properties, and at change of occupancy for both owned and rented properties.

**Aims**

The overall aim of the project was to explore the current situation with electrical safety in the social rented sector in England, including:

- An overview of electrical safety in the social rented sector compared with other tenures.
- Current arrangements for undertaking electrical safety checks.
- Views and experiences of challenges in ensuring electrical safety.

**Methods**

The study included an analysis of the English Housing Survey (EHS), and semi-structured qualitative telephone interviews with a range of stakeholders, including housing associations, local authorities, national representative organisations, contractors and consultants.

**Analysis of the English Housing Survey (EHS)**

An analysis of the English Housing Survey was undertaken to examine electrical safety by housing tenure and a number of other attributes. The English Housing Survey is a continuous national survey interviewing over 13,000 households, which also includes a physical survey of approximately 6000 households overseen by the BRE. Three years of the EHS were pooled (2012/13, 2013/14 and 2014/15) to provide a sample of 18,000 properties where the tenants were surveyed and their home was subject to a physical housing inspection by a qualified surveyor. The physical survey involves an internal and external assessment of the property, and also includes variables that describe electrical safety features, such as PVC wiring, modern earthing, modern consumer units, MCBs and RCDs. Only statistically significant findings are reported and supporting data tables are available on the CHP website: www.york.ac.uk/chp.
**Semi-structured qualitative interviews with landlords and key stakeholders**

Semi-structured qualitative interviews explored the views of landlords and key stakeholders, and focused on current policy and practice within landlord organisations; the challenges and opportunities they identified to their work in this area, the information and guidance they draw upon, and how they balance the risks and costs involved.

Sixty invitations to participate in the study were emailed to social landlords, and telephone interviews were undertaken with 15 who agreed to be interviewed. The interviews included a range of social landlords located across England (local authorities, Arm’s Length Management Organisations (ALMOs) and housing associations). Respondents had responsibility for electrical safety and compliance within their respective organisations. The range of participants was intended to reflect a variety of circumstances in relation to the size and diversity of landlords’ portfolios (including general needs and supported housing options; social and intermediate or market rent and shared ownership). The interviews were not representative of the entire sector, and reflected the views of organisations willing to share their practice and experiences of electrical safety. Twelve interviews were also conducted with representative organisations and trade bodies, including contractors and consultants with experience of working with a variety of social landlords.

**Structure of report**

Chapter 2 presents the analysis of the English Housing Survey, and sets a background context for the study in relation to electrical safety in the social housing sector in comparison with other housing tenures. Chapters 3, 4 and 5 then draw upon the interviews with respondents to examine current practice, views and experiences in ensuring the safety of tenants. Chapter 3 discusses views and experiences of current practice, as well as the advice to tenants. Chapter 4 considers factors that may distinguish social housing from privately rented or other domestic properties. The scale, occupancy, characteristics of the portfolios, regulation and resident control are all explored. Chapter 5 describes some of the wider challenges faced by the sector, and respondents’ views on implications for ensuring electrical safety. Chapter 6 sets out the conclusions to the report.
Chapter 2: Electrical Safety in the Social Housing Sector

Introduction

This chapter provides an overview of the analysis of the English Housing Survey (EHS) that examined electrical safety by housing tenure and a number of other attributes. Three years of the EHS were pooled (2012/13, 2013/14 and 2014/15) to provide a sample of 18,000 properties where the tenants were surveyed and their home was subject to a physical housing inspection by a qualified surveyor. Only statistically significant findings are reported and supporting data tables are available.

This analysis shows that relative to other housing tenure social housing performs well with the highest levels of modern electrical safety features present in socially rented homes and the lowest proportion of outstanding electrical faults. There were, however, regional variations in the incidence of outstanding electrical faults and differences between the performance of local authorities and housing associations. This may be partially explained by the relatively younger age of housing association stock compared to that of local authorities.

Presence of electrical safety features

Homes in the social housing sector are significantly more likely to have a number of modern electrical safety features compared to other housing tenure (Figure 1). Indeed, 73 percent of all housing association homes and 68 percent of local authority owned homes have all five modern electrical safety features compared to only 56 percent of private rented homes and 51 percent of owner-occupied homes. The distinctions between tenures are particularly apparent with respect to Mini Circuit Breakers (MCBs) and Residual Current Devices (RCDs) within consumer units where the difference between the best performing (housing associations) and worst performing (owner-occupation) is 17 and 23 percentage points, respectively. As owner-occupation is a much larger tenure that means there are 7 million homes in
that tenure that do not have the most modern safety features compared to around 1.8 million in the private rented sector and 1.1 million in the social rented sector.

Figure 1: Proportion of properties with modern electrical safety features by tenure (%)

However, the absence of most of the modern safety features does not mean the electrical system is in immediate need of attention, but tenure differences remained apparent with regard to the actions that are required to remedy any electrical faults (Figure 2). In terms of any action being required at all to remedy electrical problems 11 percent of private rented (about 476,000 homes) and 10 percent of owner-occupied homes (about 1.48 million homes) required some remedial work compared to eight percent of local authority and only six percent of housing association homes (about 127,000 and 136,000 homes respectively, making an approximate total of 263,000 homes with electrical faults outstanding in social housing). Although few homes require major repairs the incidence is greater among owner-occupied and privately rented homes.
The incidence of homes that require any electrical repairs fluctuates year by year during our study period with slightly elevated results for the year 2013/14 across all housing tenures, suggesting this run is too short to determine change through time.

The proportion of electrical systems that pose a risk to the occupiers is lower within local authority and housing association homes than homes in the owner-occupied or private rented sector. While 1.9 percent of privately rented homes and 1.1 percent of owner-occupied homes have electrical systems that carry a higher risk than average or extreme risk to the occupants, only 0.7 percent of local authority homes and 0.3 percent of housing association homes pose such a threat. There were too few homes of any housing tenure that had electrical problems that constituted a category 1 hazard – a serious and immediate risk to a person’s health and safety - under the Health and Housing Safety Rating System (HHSRS) to report.
Characteristics of dwellings associated with homes that require action to remedy electrical problems

Across all housing stock, ignoring non-residential properties, the types of homes that have a greater incidence of requiring any action to repair or remedy electrical problems were converted flats (12 percent) and mid-terraced houses (12 percent) (Figure 3). Terraced homes were more likely to require action to remedy electrical problems (13 percent for mid terraced and 12 percent for end terraces) in the private market. Electrical problems were more prevalent among social rented sector homes in converted flats (10 percent) and mid terraces (eight percent).

Figure 3: Proportion of homes requiring any action to remedy electrical problems by property type (% of tenure)

![Figure 3: Proportion of homes requiring any action to remedy electrical problems by property type (% of tenure)](image)

Source: English Housing Survey 2012/13 to 2014/15

However, not all property types are represented equally among the different housing tenures. Consequently, semi-detached homes comprise the largest proportion of homes that require action to remedy electrical problems among all private market properties (31 percent) (Figure 4). And within the social rented sector, the largest proportion of homes that require electrical repairs were purpose-built flats (39 percent).
Housing associations had a slightly higher proportion of purpose built flats (38 percent) compared to local authorities (43 percent) so the character of the stock in terms of property types cannot explain the lower proportion of outstanding electrical problems found in housing associations homes.

Across all tenures older properties have the highest incidences of homes that require electrical repairs (Figure 5). The highest proportion of homes requiring electrical repairs were found among the oldest homes built prior to 1919, and this was the case in the private market (14 percent) as well as the social rented sector (12 percent). Among homes built post-1990 the proportion of homes that required electrical repairs were broadly similar in the private market (3.4 percent) and social rented sector (4.6 percent). Nonetheless for all other dwelling age categories the social rented sector had a lower proportion of properties with electrical problems, and suggesting age alone is not the sole determinant of electrical safety.
Homes built from 1990 onwards have the least electrical problems outstanding, and this may partially explain the lower rate of outstanding electrical problems in housing association stock. A total of 25 percent of housing association homes were built from 1990 onwards compared to only two percent of local authority homes. However, conversely housing associations also have a slightly higher incidence of pre-1919 homes among their stock (nine percent) compared to four percent among the local authority stock. Moreover, between 2007/8 and 2014/15 the proportion of newer homes among housing association stock rose by more than a quarter (20 percent to 26 percent) but the proportion of older stock remained largely the same (8.7 percent to 7.7 percent).

Across all tenures, homes that did not meet the decent homes standard were twice as likely to require action to remedy electrical problems (17 percent) than those that did meet the decent homes standard (eight percent). This was especially pronounced among private market properties where eight percent of decent homes required action on electrical repairs compared to 18 percent of non-decent homes. A total of six percent of decent homes in social rented housing required action on electrical repairs compared to only a slightly elevated rate of eight percent among non-decent homes.
There were also regional differences in the incidence of outstanding electrical problems in homes. The South West (12 percent), Yorkshire and Humber (11 percent) and London (11 percent) were the regions that had the highest proportions of homes across the whole stock that required action to remedy electrical problems and the North East the lowest (five percent) (Figure 6). London had the largest proportion of homes within the social rented sector that had outstanding electrical faults (10 percent) followed by the South West (nine percent). By contrast only three percent of social rented homes in the North East required any electrical repairs.

*Figure 6: Proportion of homes requiring any action to remedy electrical problems by region and tenure (% of any action within region)*

London also comprised the largest proportion of all outstanding electrical faults in the social rented sector, accounting for over a quarter of all electrical faults outstanding in social housing (29 percent) (Figure 7). A total of 23 percent of all social rented homes are found in London so the incidence of electrical repairs required is over-represented. Again by contrast, only three percent of social rented homes requiring action were found in the North East, but seven percent of all social rented homes, so the incidence of electrical repairs is under-represented.

We saw earlier that there was a greater incidence of electrical repairs outstanding in flats for social rented homes. In London, 74 percent of properties are flats compared
to 25 percent in the North East, which may explain some of these regional differences. However, the South East has the next highest proportion of flats in the social housing stock (45 percent) but is relatively low in terms of the proportion of outstanding electrical problems. Looking at the age of the stock by region, reveals that London also has the largest proportion of pre-1919 homes within its social housing stock (14 percent) comprising 40 percent of all pre-1919 social housing in England. The composition and age of the stock therefore provides some insight into the higher density of electrical problems in London’s social rented homes, although other explanations regarding pressures on housing organisations in the Capital that impact on stock maintenance may also be at play.

*Figure 7: Proportion of homes requiring any action to remedy electrical problems by region and tenure (% of any action within tenure)*

Homes in urban areas are slightly more likely to require any repairs to their electrical systems (11 percent) compared to those in rural (nine percent) or suburban areas (10 percent). In rural areas, local authority homes have the lowest rate of homes requiring electrical repairs (four percent) significantly below the nine percent of housing association homes that require electrical repairs in rural areas, the same rate to owner-occupied homes in rural locations.
Characteristics of households associated with homes that require action to remedy electrical problems

There is no strong statistical relationship between homes that require electrical repairs and the types of households that live in them, in terms of their household composition, including whether the household contained children; the length of residence; economic status, including whether the household was in poverty; ethnicity, illness or disability status, age or sex of the household reference person.

However, when examined by each tenure alone there were some significant distinctions:

- Age was significant within private rented and housing association homes. In housing association homes the youngest age group 16-29 year olds more frequently lived in homes that required electrical repairs (10.6 percent) compared to only 4.7 percent of those aged 65 years old or more. In private renting the relationship between age and requiring electrical repairs to homes was also significant but in the opposite direction. A total of 12.9 percent of the oldest age group had private rented homes that required electrical repairs compared to 9.1 percent of 16-30 year olds and 8.9 percent of 30-44 year olds.

- In terms of employment status there were some differences between the rates of electrical repairs required in the homes of people who were working, retired or unemployed but these were not significant. However in the social rented sector the differences were significant, with the highest proportion of local authority homes with working occupants requiring electrical repairs (9.5 percent) compared to only 5.7 percent of those who were retired. The highest incidence of housing association homes requiring electrical repairs were those of unemployed residents (9.6 percent) compared to 4.4 percent of retired tenants’ homes.

- There was no relationship between ethnicity or illness and disability and homes requiring electrical repairs in the social rented sector, but there was in the private market properties.

- The only tenure to show a relationship between poverty and action required to fix electrical problems was within housing association homes, with 8.9 percent of residents in poverty before housing costs requiring electrical
repairs to their homes compared to 5.3 percent of those who were not in poverty. This held for poverty after housing costs had been considered but the rates were slightly lower (7.9 percent for those in poverty and 5.3 percent for those not in poverty after housing costs).

Conclusion

The key finding is that homes in the social rented sector have far lower proportions of properties that require electrical repairs and are far more likely than homes in other housing tenures to have modern electrical safety devices present. This is especially the case of properties owned by housing associations, which have the highest proportion of homes built after 1990. However, there were spatial differences within the social housing tenure. The North East had the lowest rate of homes requiring electrical repair and London the highest. The greater proportion of London’s social rented stock with outstanding electrical problems is perhaps explained by the age and composition of its stock, although it is possible there may be other issues that affect this situation. In rural areas the rate of homes that require electrical repairs within housing association stock is higher than among local authority stock. On key socio-demographic variables there were few discernible significant differences between different groups of people and the rates of homes requiring electrical repairs. However, there were some significant differences within tenures. Different age groups in the private rental market and housing association homes had different experiences, with older age groups in private rented accommodation having higher rates of homes requiring repair than younger age groups, and the opposite apparent within housing association homes with younger age groups more likely to have homes requiring electrical repairs. Within social housing working households in local authority homes were more likely to have homes that required electrical repairs but unemployed people in housing association homes. Housing association tenants in poverty before housing costs were also more likely to live in homes that needed electrical repairs.
Chapter Three: Views and experiences of current practice

Introduction

This chapter discusses the views and experiences of respondents with respect to electrical safety within the social rented sector. The first part of the chapter examines periodic inspection and testing practice. Individual social housing providers discussed their current practice, whilst respondents from representative organisations and trade bodies discussed their views on periodic inspections and potential change across the sector. Consultants and contractors were able to report on their views and experiences of periodic inspections and testing practice across a range of social housing providers, which could also include drawing on their experience as representatives on committees, or with regard to their advisory or auditing roles for social housing providers. This part of the chapter also explored how far respondents would support, or not, any move to introduce a mandatory maximum period for periodic inspections. The chapter then moves on to explore views on how far social housing providers and wider stakeholders have a role in providing advice to tenants and raising awareness of electrical safety.

Current practice for periodic inspections of fixed electrical installations and portable appliances

Although respondents reported observing a variety of practice across the wider sector, most of the social housing providers who participated in the study reported that they were using five year timeframe between inspections for their own housing stocks. Respondents who were contractors and/or consultants who could comment on practice across a range of social housing providers noted that most providers undertook inspections at five-yearly intervals, with a smaller number undertaking inspections with longer timeframes (usually up to ten years). This latter group of respondents also noted that in their experience a very small number of providers did not undertake cyclical inspections, and relied on voids to undertake inspections.

The majority of social housing providers highlighted wanting to adhere to good practice guidance, especially with regard to being able to demonstrate how they
ensured the safety of their tenants. One group of social housing providers were in the process of making a transition from previous inspection regimes to a five-yearly programme. Some of these respondents worked for group structures and discussed the process of introducing a five-yearly programme across the various housing associations within their groups, in situations where very diverse practice had existed in the past. One respondent highlighted not only the costs of moving towards a five-yearly inspection programme but also the additional costs of catching up with remedial work and rewires in cases where programmes of periodic inspection had not been in place.

Of the organisations interviewed who were transitioning to five-yearly inspections or had recently overhauled their approaches, a couple noted that they had found discrepancies in previous practices. For example, one organisation found that inspections had been done and marked as completed but there was no record of whether the system was satisfactory or compliant. A couple of respondents noted that the previous readings of properties should be made available to the electrician so that they can make informed judgements about the age, use, condition of the electrical installation and any rate of deterioration in order to recommend when the next testing should occur. However, although such systems are reliant on the individual electrician’s judgement this previous history of the property was not always available.

**Diversity of portfolios**

Social landlords, especially housing associations, were landlords of multiple property types, settings and housing tenure. Specialist supported congregate home settings like sheltered, extra care, refuges and group homes were evident, as well as market rented properties and shared ownership. Greater variance in practice across supported housing stocks was evident with some supported housing having more frequent checks. This type of accommodation was also more likely to have more frequent visual inspections, since turnover was higher than in general needs properties. For example, a couple of respondents noted that where EICRs had been recently completed in supported accommodation then visual inspections would be made when there was a change in occupant.
Respondents also discussed the inspection regimes they had in place for communal areas. Whilst the majority of respondents had a five-yearly programme of inspections where an EICR would be issued, they reported a wider variety of practice with regard to the use of visual inspections of communal areas. One respondent highlighted that the use of a risk-based approach for communal areas, so that the periods between inspections could be less than five years depending on the individual circumstances of supported accommodation. In a couple of organisations communal spaces in tower blocks had three-yearly inspections as they were conceived as public spaces and/or had higher voltages and were therefore identified as higher risk areas.

People living in shared ownership were held responsible for their own electrical safety checks, as were other leasehold homeowners. One landlord undertook gas safety checks for leaseholders to ensure the safety of their whole building, but did not do this for electrical inspections. Social landlords are also increasingly entering the market for privately rented homes and build for rent (Power et al., 2018). Interviewees whose organisations operated in this market tended to include these properties in the same inspection cycles as their other general needs stock. It remains to be seen whether these properties would be subject to different regulations within their portfolios should the law change in England in respect of mandatory inspections in private renting as in Scotland.

One respondent described that they had observed poor practice in relation to a Private Sector Leasing scheme over the quality of checks undertaken at these properties instigated by the private owners. The issue related to the contractors that the private property owners were engaging to undertake the inspections, which led to poor outcomes in terms of ensuring electrical safety. This respondent highlighted that the private sector property owners seemed to have poor awareness of making sure they engaged contractors with the skills and experience necessary to undertake the inspections.

**Appliance testing**

Respondents also discussed their practice with regard to appliance testing. Respondents tended to have very small proportions of their stock where appliances were supplied by the landlord within furnished tenancies. Examples included hostel
accommodation, temporary accommodation for younger people, or refuges. Appliances, including white goods, tended to be tested either annually or bi-annually, with a visual inspection on change of occupant (although one respondent noted that appliances in some of their supported housing schemes were tested every six months). A couple of respondents noted that any appliances including white goods in furnished market rented properties had either been gifted to the tenant, or the tenant had been asked to sign a disclaimer to take responsibility for any subsequent testing during the tenancy. Providers were much more likely to have appliances in communal areas, especially supported housing, and reported regular programmes of testing in these instances (usually annually or every two years). One respondent who could comment on a range of practice across providers queried the quality of inspections in some cases, where it was not clear that programmes included an adequate level of physical checks of appliances. A number of respondents were careful to note that they were not in a position to take responsibility for testing appliances supplied by tenants in their own homes.

Views on the introduction of a mandatory five year timeframe for inspections of fixed electrical installations

An emerging theme from the interviews was the extent to which the introduction of a mandatory five year period between inspections would be considered favourably. It was clear, however, that this view was not universal amongst all respondents, and four interviewees noted that they did not want to see the introduction of mandatory five year time frame.

The respondents who stated that they would like see the introduction of a mandatory five year inspection regime put forward a number of reasons for their views. It was felt that electrical safety compared poorly with the clarity and certainty offered by the gas safety inspection regime. Several interviewees discussed the difficulties of ensuring tenant safety in the context of the current regulatory framework, as this was based on guidance only. An important reason for supporting a mandatory regime was that providers would have recourse to clear mechanisms for gaining access to properties in order to undertake inspections (see further discussion on access in the section on Challenges). To this end, it was also felt that the introduction of a mandatory timeframe for inspections would help in their efforts to raise awareness amongst tenants of the importance of being able to
undertake inspections to ensure electrical safety. Some respondents also noted that a mandatory regime would also assist them make the case for inspections based on a five year cycle to senior management. These latter respondents emphasised that the current system based on guidance did not provide sufficient clarity and certainty to assist decision making within their organisations.

Interviewees also highlighted that inspections at five-yearly intervals was an important way of identifying inappropriate changes to installations by tenants, or spotting damage that had been caused (which could be as a result of wear and tear, anti-social behaviour, vandalism or very occasionally as a result of criminal activity). Interviewees reported that current inspections occasionally found damage to the electrical installations arising from unauthorised tenant domestic modifications, including drug activity where near factory grade small plant and circuits had been installed to existing systems. The vulnerabilities and misuse of systems for some interviewees supported the shift towards five-yearly inspections. One respondent highlighted that a visual inspection alone might not necessarily reveal problems, and noted an instance where a tenant had wired a socket using Christmas lighting wire.

The interviewees who stated that they did not want a five year mandatory period to be introduced highlighted a number of points:

- The potential implications of an additional financial burden placed on providers, and especially unintended consequences for other areas of social housing providers’ services.
- There was a need for a clearer evidence base to demonstrate the justification for the introduction of a five year mandatory regime. For example, one interviewee felt that a helpful measure would be to understand the proportion of fires resulting from current installations compared with fires as a direct consequence of appliances that tenants use.
- How far there is a need for a five-yearly inspection after a new installation?
- Timeframes for inspections should remain the judgment of the person undertaking the inspection, drawing upon associated evidence including previous reports. The introduction of a five year timeframe would be too crude as some properties would need shorter periods, whereas periodic tests for other properties could safely extend beyond five years. For example, one social housing provider noted that the introduction of a mandatory regime
would not alter their current practice as they already followed the current guidance for five-yearly inspections, but did not agree with the principle of a mandatory timeframe, as they felt that the timing of periodic inspections should remain based on an informed judgement of risk.

Respondents also raised practical issues if a mandatory five year timeframe was introduced. Several respondents noted that a transition period would be required to enable social housing providers to bring their stocks within a five-yearly programme. Respondents also raised the issue of the capacity of the industry to respond to the demand from social housing providers that a regulatory change might cause. A couple of these respondents highlighted the potential problems for housing associations effectively competing with each other for a limited supply of contractors.

There were mixed views about the cost implications of the introduction of a mandatory five year timeframe. As highlighted above, there was a concern by some respondents that the introduction of a five year mandatory period between inspections would add an additional cost burden to providers. However, a couple of other respondents also commented that the costs of a five year cycle would be offset by reductions in the need for responsive repairs. One large provider was in the middle of moving towards a five-yearly programme and was comparing data on the level of responsive repairs for properties where a five-yearly inspection had taken place compared with properties that had not yet been brought inside the five-yearly programme.

A potential cost implication related to the problems providers encountered with gaining access to properties, and starting the process of setting an appointment with the householder in advance of the due date for inspection. One problem with this approach was that where landlords obtain prompt access, it led to a shortening of the period between which inspections are carried out, and thus an increase in costs over time. A couple of respondents highlighted the move towards MOT style gas safety checks from April 2018 that allows landlords to carry out their annual gas safety check in the two months before the due date and retain the existing expiry date (see https://www.nhmf.co.uk/bestpractice/compliance/gas). These respondents commented that similar flexibility for electrical safety checks would also be
welcome. However, one respondent also noted that such a change would require alterations to their software to enable an MOT style approach to operate.

**Advice to tenants**

Respondents discussed awareness of electrical safety amongst tenants, as well as the role of social housing providers in the provision of advice and awareness raising to their tenants.

Respondents commented that in their view, there tended to be a low level of awareness of electrical safety amongst tenants, which related to a number of different aspects of this issue, including:

- The use of appliances around the home by householders; the safety of appliances themselves, as well and the dangers of socket overloading.
- Awareness of the need for regular inspections to ensure safety.
- Making sure that communal areas are safe, for example, making sure that lights that residents bring out during festivals can be checked as part of appliance testing by providers.

One issue was that the introduction of more regular periodic inspections itself posed a problem with regard to an understanding of the need for such regular electrical inspections. One organisation noted that they give a copy of the test certificate to each tenant and explain what the results mean, as well as when the next re-test will be due.

A number of respondents highlighted a variety of mechanisms that they used to highlight electrical safety issues. These included advice via newsletters, information on their own websites, as well as the production of in-house videos (see [https://youtu.be/BZU68F5s1OA](https://youtu.be/BZU68F5s1OA)). Many respondents also included information about electrical safety in their welcome pack for new tenants. Other respondents noted that they did not circulate any information at the moment about electrical safety.

However, many respondents felt that more could be done to raise awareness. Although information was already available on websites such as ESF, it was felt that more could be done to flag these sources of information. Furthermore, a number of respondents commented that responsibility for raising awareness of electrical safety
went far beyond the role played by social housing providers. One interviewee commented that manufacturers of appliances should take more responsibility for information about electrical safety. Several comments were made that compared levels of awareness of gas safety with electrical safety. The role of the media was viewed as having a role in this regard, with a view that gas safety tended to garner greater media attention.

A couple of respondents made a specific reference to raising awareness of the need to press ‘test’ buttons on RCDs.

In their submission to the Independent Review of Building Regulations and Fire Safety the National Housing Federation (2017) argued that the causes of fires must garner greater attention as fires have been started by faulty household goods and appliances such as electric heaters and white goods. The NHF noted that this is a particular issue in social housing as lower income households are likely to have poorer quality electrical equipment. This point was echoed by one respondent, who commented on the very low incomes of many of their tenants, which affected the choices that these tenants can make in relation to the appliances that they can afford, including second hand stock. Another respondent noted that they instruct their staff to make sure that any fly-tipped or discarded electrical appliances on their estates are immediately rendered unserviceable as a precautionary measure to ensure that potentially dangerous appliances cannot be reused.

**Conclusion**

Although respondents reported observing a variety of practice across the sector, most of the social housing providers who participated in the study used a five year timeframe between inspections for their own housing stocks. Respondents who were contractors and/or consultants could comment on practice across a range of social housing providers and noted that most providers undertook inspections at five-yearly intervals, with a smaller number undertaking inspections with longer timeframes (usually up to ten years). This latter group of respondents also noted that in their experience a very small number of providers did not undertake cyclical inspections, and relied on voids to undertake inspections.

It was also evident that many organisations were going through a period of change and evolution to ensure that their systems and programmes coincided with best
practice on electrical safety. However, in moving towards a five-yearly inspection regime, there was a view that there was, as yet, limited awareness of the need for this level of regular inspections amongst members of the public, as well as limited awareness of wider electrical safety issues.

Although the majority of respondents would welcome the introduction of a mandatory timeframe for undertaking periodic inspections, this view was not universal. There was a view that stronger evidence was required, as well as consultation with the sector, in order to arrive at a judgment about balancing proportionate risk against the cost of this approach.
Chapter 4: What makes social housing distinct from other tenures?

Introduction

This chapter considers factors that may distinguish social housing from privately rented or other domestic properties. The scale, occupancy, characteristics of the portfolios, regulation and resident control are all explored. The chapter also outlines respondents’ views on the management of compliance with electrical safety requirements within their organisations. It raises issues around the regulatory framework that oversees local authority and housing association activities, and considers how organisations undertake their duties and obligations in practice. The chapter is based upon the interviews and presents a complex picture of issues that may both limit and prompt greater legislative prescription of electrical safety inspections.

As noted in Chapter 1 currently both the law and professional guidance differentiate between types of dwellings in their advice and/or instructions regarding electrical safety. Guidance on the intervals between periodic inspections of electrical installations in Table 3.2 BS7671 distinguishes between domestic dwellings that are owned and those that are rented, recommending shorter five-yearly inspection intervals for rented homes and ten years for other domestic properties, and at change of occupancy for both owned and rented properties. In England, mandatory five-yearly inspections are only required for privately let houses in multiple occupation (HMOs). Social housing is exempt from this requirement for HMOs in their stock. These differences in guidance and legal obligations are conceived on different appraisals of risks within certain types of homes.

National interviewees noted that social housing landlords were generally socially motivated. Indeed, social housing is the tenure with the fewest non-decent homes (DCLG, 2017). However, whilst the majority of tenants are highly satisfied with their homes, repairs and maintenance remain the issue that engenders the most complaints (Wallace, 2010; MHCLG, 2018b). As noted earlier, social housing performs well relative to other housing tenures when considering outstanding electrical repairs in the sector. But, is social housing sufficiently distinct from
homeownership and/or privately rented accommodation to warrant different legal approaches and guidance in respect of electrical safety? And if so how? The following sections consider some distinguishing features of social housing that may inform the decision to extend any mandatory electrical inspections to this tenure.

Scale of portfolios

Notwithstanding the entry of large scale build to rent institutional landlords, the majority of private landlords have only one or two properties. A total of 60 percent of private landlords have only one property and only seven percent hold five properties or more, although these larger landlords accounted for nearly 40 percent of privately rented dwellings (Scanlon and Whitehead, 2017). In comparison to other countries, the private rented sector in England is subject to limited regulation in terms of length of tenancies, conditions, management or affordability (Moore and Dunning, 2017; Scanlon and Whitehead, 2017).

In contrast, social landlords on average have much larger property portfolios. Interviewees noted that social housing frequently operates at scale, has greater diversity in terms of the range of housing types offered and is subject to greater scrutiny and regulatory oversight. The issue of scale becomes important in the logistical management of cyclical inspections, remedying of outstanding repairs and the planned investment in tenants’ homes. In this way the sector differs substantially from individual owner-occupied and privately rented homes. Social landlords are either private registered providers, typically not-for-profit housing associations, or local authorities who retain council housing stock. Around 220 local authorities provide data on their rented housing, and their holdings ranging from fewer than ten to over 60,000 properties, with an average of 7,200 homes each (Table 100 MHCLG Housing Statistics). Housing associations also vary in scale with 314 providers (almost one quarter) owning over 1,000 properties (including five that owned more than 50,000 homes each during 2016/17, accounting for ten percent of all housing association stock) and 1,118 holding fewer than 1,000 properties (HCA, 2017). At this scale, an intense amount of planning is required to ensure electrical installations are inspected, records kept of certificates and re-inspection due dates and repairs undertaken for many of the larger social landlords.
Some interviewees also reported that the issue of translating the guidance was problematic at scale. Managing interpretations of the guidance between the landlord, their own electrical staff and contractors charged with undertaking the inspections and repairs could present management challenges when applied to thousands of properties. Some interviewees reported that there is little room for nuance in planning large scale inspection programmes and repairs as, for example, differing regimes of inspection intervals. A few landlords reported their use of agreed protocols that would convey their own desired interpretation of the electrical guidance to avoid confusion or conflict within the organisation and when working with contractors. Not all landlords may have the resources or skills to produce such protocols and harmonising the way the industry works would overcome such obstacles to managing electrical safety in practice. Therefore, greater clarity and less ambiguity in the guidance that governs electrical installations was seen as helpful in the management of large property portfolios.

In addition, several interviewees spoke of the advantages of the software systems they used to manage the large and complex workload from organising inspections, keeping records, organising repairs and auditing the work randomly and according to certain risk profiles.

**Diversity of residents**

The scale that social landlords operate at is also accompanied by a diversity within the people who live in social rented homes, many of whom may have vulnerabilities in terms of responding to or managing defects or repairs issues in their homes. Interviewees reported that they accommodated people with vulnerabilities due to age, frailty, mental and physical illness, drug and alcohol dependencies and cognitive abilities, as well as hoarding. This informed many participants’ support for robust inspection regimes. Social housing does include a greater proportion of those in full time education or economically inactive due to ill-health, disability and caring responsibilities compared to other housing tenure and residents are more frequently found in the lower-income groups (DCLG, 2017). In addition to discussing how social housing providers accommodated and responded to the needs of some of their tenants with regard to the disruption caused by undertaking inspections for electrical safety (see next chapter), a couple of respondents also discussed how
specific changes had been made to individual properties with regard to electrical safety for tenants living with dementia or other conditions.

However, private renting is also increasingly the home of low-income families and others displaced from social housing due to difficulties in accessing this tenure (Kemp, 2011). Moreover, the proportion of private rented homes that include children (38 percent) has now surpassed that of social rented homes (34 percent) (DCLG, 2017).

Social and privately rented homes are also subject to greater occupancy than owner-occupied homes, with 51 percent of owner-occupied homes under-occupied, compared to only 15 percent in private renting and eight percent in social housing (DCLG, 2017). Indeed, seven percent of social rented homes were overcrowded, compared to five percent in private renting and only one percent in the owner-occupied tenure (ibid.). Safety risks therefore often relate to a higher number of occupants in social renting than other housing tenures.

The length of stay and churn within the rented sectors differs considerably too. The English Housing Survey for 2016/17 showed that on average, households in the social rented sector had lived at their current address for longer than households in the private rented sector (MHCLG, 2018b). Social renters had lived at their current address for an average of 11.3 years, while for private renters the average length of residence was 3.9 years. Furthermore, households renting from local authorities had, on average, been living in their current home for longer than those renting from a housing association (12.0 years on average for local authority tenants compared with 10.8 years for housing association tenants). There could therefore be a greater emphasis on undertaking inspections on change of tenancy in private renting as opposed to periodic inspections in social renting.

**Compliance and tenant safety in social housing**

**Regulatory framework**

Social housing is governed in two different but cross-cutting ways. Firstly, local authorities are governed by elected local councillors and their finances and management of the housing revenue account that supports their social housing activities are their responsibility. Secondly, housing associations are governed by
board members, which occasionally include tenants but more frequently comprise people with specialist skills, who are responsible for the activities of the association. The Regulator of Social Housing, a government agency, oversees all housing association business activities but only those activities of local authority landlords that relate to consumer standards. In addition to these Consumer Standards, therefore, the Regulator has a significant influence over governance and economic viability issues within associations but not local authority landlords. Local government is required by statute to provide Annual Governance Statements\(^4\). These statements are based on the principals set out by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives and Senior Managers (SOLACE) that include in Principal F the requirement that local authorities will be ‘managing risks and performance through robust internal control and strong public financial management.’ The National Audit Office and a range of other government agencies exercise oversight over governance and financial management in local government.

All landlords are subject to the same legal obligations in respect of landlord and tenant law as well as health and safety laws. With regard to tenant safety and statutory obligations the key issues relate to gas, asbestos, legionella, electricity and fire. Landlords must ensure they have assessed the risks and demonstrably undertaken actions to remove or mitigate these risks. The Regulator for Social Housing’s regulatory framework is based upon four key consumer standards: tenant involvement and empowerment, home, tenancy, and neighbourhood and community. Along-side other repairs and maintenance work these issues fall under the Home Standard of the Regulator’s Consumer Standards. The HCA (2012) ‘Home Standard’ para1.2b states that: “registered providers will meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.” The Home Standard is the standard most frequently reported by consumers and landlords in relation to possible breaches.

The Regulator’s powers are currently reactive and intervention limited to when providers breach one of these standards and there are reasonable grounds to believe

\(^4\) Annual Governance Statements are required under the Local Audit and Accountability Act 2014 and the Accounts and Audit Regulation Act 2015.
that the failure has caused ‘serious detriment’ to the provider’s tenants or potential tenants; or that, if it does not intervene, there is a significant risk that the failure would do so. The Housing and Regeneration Act 2008 (as amended by the Localism Act 2011) outlines the regulator’s regulatory role and means that they are likely to intervene only when there is ‘risk of, or actual, serious harm’. Moreover, this legislation places the main regulatory responsibilities for consumer standards and tenants’ health and safety onto local management boards and councillors. As the sector regulation is now based upon co-regulation, landlords are expected to draw likely breaches to the regulator’s attention in a timely fashion. The Regulator will then consider whether there has been a breach of compliance, whether there are issues relating to governance and systems of asset management and the timeliness of the providers report. While local authorities as well as housing associations have been found to be in breach of the Home Standard, only in the case of housing associations are there ramifications for governance, financial management and viability, as the Regulator of Social Housing has no remit for the governance of local authorities.

The annual Regulator’s Consumer Regulation Review point to instances where housing providers were found to have breached the Home Standard, typically by failure to effectively comply with the Gas Safety (Installation and Use) Regulations 1998 that clearly state that gas safety checks should be carried out annually by a Gas Safe registered engineer⁵. Fire safety, asbestos management and structural safety of buildings have also been referred to the regulator as landlords’ possible breaches of the Home Standard, and in one case there was systemic failure of the whole repairs and maintenance service. At the time of writing, only one case of regulatory intervention is currently recorded in respect of electrical safety and that related to the landlord’s failure to undertake the remedial work that was identified as part of the electrical installation inspections. The Regulator of Social Housing (2018) found that a breach of the Home Standard had occurred as: “the association had not taken reasonable steps to ensure tenants were not at risk”, however, this judgement did not result in any change in the viability or governance ratings of the association.

Following the Grenfell Tower tragedy in the summer 2017 there have been calls for the role of the housing regulator to be strengthened and for service regulation to

have a greater emphasis on the consumer perspective (Jarman, 2017). Indeed, of the 500 cases recorded at the time of writing on the published HCA regulatory judgements spreadsheet only eight relate to consumer standards. The Social Housing Green Paper includes a fresh look at strengthening consumer regulation in the sector.

**Compliance in practice**

The key issue of tenant safety has in recent years been framed as one of ‘compliance’ with the obligations outlined above. One interviewee sought to reframe the whole area as one of ‘customer safety’ not ‘compliance’, indicating a shift to the end goal of tenant safety in the home and how that is secured and demonstrated, compared with one that seeks minimum adherence with legal requirements and where the priority ambition is perceived as protecting the organisation from lawsuits or regulatory judgements. There are also perhaps conflicting priorities within organisations. Another interviewee reported being unable to secure additional sockets in void properties to ensure that there were sufficient sockets to prevent overloading, but as long as the system was compliant the landlord prioritised the reduction of void waiting times and loss of rental income. Certainly there are long queues of people waiting to move in to their new home and financial constraints but this is illustrative of the tensions that landlords have to manage.

It was clear that while overall repairs and maintenance budgets had declined, borne out in the Global Accounts that show a 14 percent reduction overall in housing association major repair spending in the year to 2017 (HCA, 2017a), social landlords reported that they had not made cuts to health and safety and compliance work. Indeed not only had this work been effectively ring-fenced, in some instances interviewees reported that budgets had been increased to ensure that they would meet their targets for ensuring electrical safety. However, there were also some concerns that after the Grenfell fire funding for compliance activities was now skewed towards fire safety measures and that the tragedy had not necessarily focussed attention on all issues relating to compliance, only those relating to fire.

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7 www.gov.uk/government/consultations/a-new-deal-for-social-housing
After Grenfell the regulator wrote to all local authorities reminding them of their responsibilities under the four consumer standards (HCA, 2017b). Although national level interviewees acknowledged that local authorities are aware of their responsibilities under the Consumer Standards, local authority staff interviewed did not cite the Regulator as a significant driver of their compliance work in the same way as housing association staff did, suggesting that although local authorities are bound by the same Consumer Standards they are not feeling pressure from the Regulator in the same way as associations.

While all landlords interviewed were aware of their legal obligations and held a view as to the regulation, guidance and their practices there were mixed responses regarding how this work was internally governed. Some interviewees described clear reporting procedures whereby housing association boards routinely require the reporting of key performance indictor (KPI) figures relating to gas, electricity, legionella, fire and asbestos. Typically these ‘compliance dashboards’ included the percentage of homes with an electrical installation certificate obtained within the last five years as a KPI, although some landlords noted that perhaps the KPI should be whether a certificate has been obtained within the last five years that *indicates that the installation is satisfactory*. A housing association was recently found against by the regulator for having not undertaken the remedial repairs identified during the inspection process. Other landlords had such a performance dashboard but reported only the measures they were legally obliged to undertake such as annual gas safety checks but did not include electrical inspections.

However, interviewees raised the issue of the recent sector-wide focus on gas safety several times and those dedicated activities now meant landlords had much better systems in place. In part, this activity on gas was prompted by failings being picked up by the regulator who has issued downgrades to several associations. These regulatory interventions were instrumental in focussing landlords’ minds, but were perhaps aided by the binding nature of compliance under gas safety regulations.

**Views on social housing regulation**

Some interviewees noted that the Regulators’ intervention threshold of ‘serious detriment’ was set too high. This was especially the case for electrical safety as there is no legal requirement to undertake periodic inspections, and therefore a challenge
for the Regulator to evidence a breach and potential harm. However, many interviewees noted that without a robust system of periodic inspections landlords were not able to demonstrate that they were keeping homes safe and mitigating risk. Several research participants were aware of organisations that lacked comprehensive programmes of inspection but had not reported themselves to the Regulator, stretching the utility of the co-regulation system. Placing electrical inspections on a statutory footing was therefore likely to assist the regulatory oversight and necessary intervention in the sector. Nonetheless, the interviewees also reported satisfaction with the co-regulation arrangements as several reported that the previous oversight by the Audit Commission had been too prescriptive and overly reliant on tick boxes and arbitrary inspections.

However, some respondents argued that the social housing sector was much more stringently regulated than homeownership or privately rented housing, and this level of regulation could limit moves towards legislating for five-yearly electrical inspections. It was suggested that this oversight produced relatively good outcomes and for some interviewees meant that the sector could be trusted to perform well. The English Housing Survey findings demonstrate that although the sector as a whole had the fewest outstanding electrical repairs, large variation in performance exists. Therefore, current regulation is not yet harmonising outcomes although this may be achieved over time, but was not apparent in the most recent English Housing Survey data available used in this analysis.

**Resident control**

Lastly, compared to homeownership, tenants in both social and privately rented homes, have relatively little control over the timing of any periodic electrical inspections, the timing of electrical repairs or the quality of the contractors or work that is being undertaken in their homes. Greater obligations on landlords to inspect and affect electrical repairs in homes they let may therefore be warranted. However, there is an interesting question given the poor performance of the homeownership tenure in respect of electrical repairs whether there should be greater obligations on all property owners to ensure safe installations, notably in flats. Interviewees did raise this as an issue in multi-tenure blocks managed by social landlords, which are now common place among the social housing stock where many flats may have been subject to the right to buy and traded on the open market.
Conclusion

Social landlords hold much larger and therefore more diverse property portfolios that also contain a greater diversity of occupants, including many rendered vulnerable due to circumstances and low incomes. The scale of social landlords’ operations produces particular challenges compared to small private sector landlords as some landlords identified ambiguity and nuance to be a challenge to the logistical organisation of large-scale inspection and repair processes. Conversely, the social rented sector already attracts a greater level of regulatory oversight than private renting in England. The chapter highlighted the effectiveness of the Regulator’s role in ensuring that compliance with general health and safety issues is met by housing associations. This, however, raised questions about the strength of the Regulator’s role in enforcing the Home Standard among local authorities, as participants indicated, explicitly and by omission, that they faced less regulatory pressure.

Nonetheless whether the current ‘compliance’ agenda was sufficient was raised as the discourse around compliance arguably rendered it an ambition to protect landlord organisation from litigation and regulatory scrutiny that could jeopardise their business, rather than a minimum standard to achieve satisfactory tenant safety. Several interviewees also considered that the absence of prescriptive legislation with regard to inspections and testing, combined with the latitude for interpretation afforded by current guidance meant it was harder for the Regulator to intervene. This issue, coupled with the high threshold for intervention set only at cases where risks posed ‘serious detriment’, meant that electrical safety was rarely an arena that attracted regulatory judgements.

Post-Grenfell, interviewees universally reported greater attention in issues of compliance but not necessarily across the board, as understandably attention and funding had followed fire safety issues and had not raised all issues equally.
Chapter 5: Challenges in achieving electrical safety compliance

Introduction

Social landlords have a relatively good record when it comes to electrical safety but as highlighted in Chapter 2 there are regional and other variations in performance. Some of these relate to the age and characteristics of the housing stock but interviewees revealed other challenges in the day to day management of electrical safety. This chapter explores these challenges and considers the use of contractors in delivering inspection programmes, skill shortages and industry capacity to undertake a larger programme of inspections, funding the work, and tenants understanding the need to provide access for inspections.

Contract management

Many landlords interviewed had direct labour organisations (DLOs) so day to day electrical repairs were undertaken by internal staff, but even these organisations routinely employed contractors to undertake cyclical electrical inspections, as ways to manage the workload. However, several interviewees mentioned problems with perceived conflicts of interest arising from advice given to them by contractors, fearing that recommendations were occasionally driven by commercial considerations rather than safety or adherence to the guidance. In part, such conflicts may be purely down to interpretation of the guidance, and as mentioned some social landlords devised protocols on electrical safety to interpret the guidance to minimise such conflicts. Contractors were regularly pre-approved to undertake repairs to dangerous or risky installations that they uncover as part of their electrical safety installations (C1 and C2 classified issues), but this came with a risk for landlords managing their budgets and trusting that the work was actually necessary. One large contractor stated that they overcame this perception of a conflict of interest by referring all required work back to the landlord. The other risk, however, was that a time gap occurred between a dangerous or risky installation being identified and it actually being repaired. This was the situation which led the Regulator to find against a housing association recently as mentioned in the previous chapter. Interviewees managed the risk that contractors might over specify work through
close contract management, developing close relationships between key staff and regular audits of their work, via random and risk-targeted inspections by the landlord’s own staff. This ensured that funds were used appropriately as overspends could impact on other work of the department.

One theme discussed by a range of respondents was the quality of inspections. People noted the lack of specification regarding the sampling of circuits during inspections or what proportion of light sockets or switch plates need to be unscrewed. A further comment was that the extent of limitations arising in any one inspection were not necessarily recorded. This theme fed into serious concerns among some respondents about the quality rather than, or in addition to, the quantity of inspections that occur. Poorly specified and low value contracts were thought to produce low quality work, and whilst they may formally be compliant, such inspections and reports did not necessarily constitute quality appraisals of the electrical systems of tenants’ homes.

Some landlords had systems of audit and had found ‘drive by’ inspections, whole streets having the same system readings and few circuits inspected indicating the operative had not undertaken a satisfactory comprehensive inspection. One firm suggested these issues were more prevalent in London where parking restrictions hamper access to the properties. But there were concerns across the piece about quality of work and under-valued contracts.

**Industry capacity**

Among interviewees there were concerns about skill shortages, in terms of regional shortages of suitable skilled staff and elsewhere occasional anxieties about the skill levels of some electricians coming forward.

In some areas where large scale alternative employment was available (e.g. Crossrail and Hinckley Point were mentioned in London and the South West) both landlords and contractors had experienced problems with the recruitment and retention of skilled electricians. This was fuelled by alternative work that was both highly paid and undertaken in empty premises or sites rather than people’s homes where electricians had to then also deal with people. Public sector pay freezes also made employment for landlords less lucrative, and one landlord explained how they had to restructure their remuneration package several times in recent years to ensure it
was attractive. A lack of confidence in the ability to secure electrical labour at a price which could be sustained in the near future also served to limit the contracts that one large contracting firm would bid for, as any uplift in wages over time would threaten the viability of the whole long term contract. This contractor was therefore no longer bidding in the London area. Conversely, other landlords suggested that their region did not have skill shortages, that social housing work appealed to older electricians who were unwilling to travel long distances and enjoyed being home at a reasonable time of night, and also some actively enjoyed working in the sector.

The level of training and experience of electricians was also an issue for several interviewees as multiple training routes by different bodies and the ability to qualify without practical experience in a range of settings meant that landlords and contracting firms frequently found electricians under-qualified for the work to be done. A couple of respondents highlighted that a higher set of skills are required for electricians to undertake electrical testing compared to installing systems as they need to be aware of all the possible permutations of how systems have been conceived and executed over time. There were also concerns with the qualified supervisor (QS) model. In small firms it may be less of an issue but in larger firms a QS may supervise or employ many lower qualified electricians who end up doing work that they are unsuitable for. One respondent discussed the difficulties facing social housing providers with regard to challenging poor work under the competent person’s scheme. This respondent highlighted that only the contracting organisation can raise a complaint, but where work is sub-contracted, this can leave the housing provider exposed. Instead, it was suggested that individual competency would ensure that electricians can be held accountable through their own accreditation (i.e. that electricians should individually be a competent person as with GasSafe registration system for gas servicing).

Several respondents also expressed concerns about the limited training and Continuing Professional Development (CPD) available to electricians in some firms, leaving staff either under qualified, inexperienced and/or out of pocket for securing their own upskilling and professional knowledge. This was a significant concern as the regulations regularly change and the relevant guidance is costly to purchase, unlike other health and safety fields where information is free to download.
Should mandatory inspections be instituted across the rented sector, even if across the private rented sector alone, there may therefore be regional capacity problems due to the uplift in demand for electrical services as skill shortages are already apparent under the current guidance and regulation.

**Securing access to undertake inspections**

Many landlords expressed frustration at being unable to secure access to undertake electrical inspections in a proportion of tenants’ homes. Respondents felt that many tenants failed to understand the risks posed by electricity compared with gas. As mentioned earlier, the failure to undertake gas safety checks now brought penalties in terms of regulatory downgrades impacting on the borrowing capacities of housing associations, and failure to secure access now only occurs in limited numbers across the sector. In contrast, one landlord reported the rate of failure to secure access and undertake electrical inspections in any one year was around 20 percent, although it is not known how this compares across other landlords’ properties.

Several organisations indicated that a failure to secure access frequently indicated other issues within the home. Some landlords commented that they aimed to minimise the level of intrusion in a tenant’s home, and they also worked closely with tenants, their carers and housing management if there were access problems due to tenants’ health or other issues. Several social housing providers discussed working with colleagues to help negotiate access. In particular, these respondents highlighted the importance of a dialogue with tenants who lived with conditions or impairments, as well as other members of their household, to ensure that the inspection would not cause excessive disruption or anxiety. Examples discussed by these respondents included making sure that medical equipment such as breathing apparatus had a separate supply during an inspection, or that the needs of people living with mental health issues could be accommodated during the inspection visit. In practical terms this might mean recording any limitations of an inspection such as not testing in a room where the tenant was present for the duration of the inspection.

This issue also highlighted the additional costs of working with residents in a responsive and respectful manner, as well as ensuring that safeguarding principles were adhered to. In some cases this would involve a support worker being present at
the same time as the person undertaking the inspection, or would require two people to undertake the inspection. A couple of respondents noted that the funding implications for this approach needed to be factored in to contracts or budgets depending on whether contractors or in-house teams were undertaking the work.

As there are limited opportunities for social housing providers to have contact with householders within their homes, regular safety inspections with regard to gas or electricity offer an opportunity to identify potential vulnerabilities that some householders may be experiencing. A couple of respondents highlighted that one of the advantages of using in-house teams to undertake inspections was that they also could undertake this wider role. In contrast, another respondent noted that some contractors did not feel that this was a legitimate part of their role or an area of expertise.

The absence of a regulatory requirement was felt by some respondents to hinder their ability to use legal routes to securing access to undertake electrical inspections compared with gas safety checks. A number of landlords tried to piggy back on the actions the landlord took for gas safety, so if they gained access for gas safety, they would also send the electrician to undertake a check for electrical safety. Others stated that although they aimed to secure five-yearly inspections, in the absence of a legal requirements to inspect they would only escalate actions to secure access if the period between inspections exceeded ten years. Another landlord was contemplating how to construct a tenant access policy and in addition to looking into legal routes they also considered a requirement for tenants to include in their insurance the replacement costs of the building should an event occur due to their failure to provide access for the inspections. If mandatory inspections are required then guidance on how to secure tenant access should also be developed.

One respondent noted that access was not only an issue in relation to the inspection itself, but also if the social housing provider needed to go back to the property in question to undertake any subsequent remedial work that had not been completed at the time. Another respondent highlighted difficulties in obtaining access for rewires, which were particularly intrusive for householders. A difficulty reported by a couple of respondents was that electrical inspections were a lot more time consuming and intrusive for tenants compared with gas inspections, necessitating testing in all areas of a person’s home. This problem was compounded for respondents who were
making the transition from previous practice towards a five-yearly inspection and testing regime, as many tenants were not used to the new routine.

**Funding**

While compliance work of social landlords had been protected from cuts in repairs and maintenance budgets there were issues relating to electrical safety that constrained their funding. One related to the propensity for social landlords to increasingly push back repair costs to the tenant in the context of financial constraints. So tenants would be recharged for repairs arising from damage or misuse of the home that they or their household members or visitors were responsible for. One contractor was concerned that this would act as a disincentive for tenants to report potentially dangerous repair issues.

Another financial issue that presented a challenge was that planned maintenance budget cuts meant delays to rewire and other improvement works. One landlord was part way through a project shifting from a ten to five year cycle of inspections and was analysing the costs of responsive repairs among those properties that had inspections within five years and those that had certificates up to ten years and found responsive repair costs were lower in the set of homes that had the more frequent inspections. Industry wide analysis on the relative value for money aspects of inspections, repairs and time periods may be beneficial to social landlords making decisions about their stock.

Social landlords restricting their teams and flattening structures to cut costs was raised as a potential threat to managing compliance as one consultant thought that fewer middle managers would lead to a lack of specialist oversight.

Lastly, a few landlords raised the issue of the shift in the responsibility for rising and lateral sub-mains to blocks of flats going from the electricity supplier to the landlord in recent years. Not only have some landlords assumed more responsibility but the age of the social housing stock also means that much of this infrastructure may be nearing the end of its life and therefore requires replacement. The costs of this for landlords, especially large urban social housing providers, was considerable and together with additional costs arising from fire safety work post-Grenfell, represented a challenge that they had to accommodate.
Additional challenges

One respondent noted that there was limited recourse for landlords from poor electrical installations, and it was argues that relatively low penalties did not provide an adequate disincentive for installers.

Conclusion

While interviewees reported positive funding settlements in social landlord organisations in respect of compliance and electrical safety work, there remains occasional questions in relation to the impact of delayed rewires and system improvements. More serious challenges were apparent in some locations relating to a sustainable supply of appropriately skilled electricians to work in the sector, not least after Brexit or if the workload was increased by mandatory inspections required across the rented sectors. This was noted to be a construction sector -wide problem and not solely related to social housing, but presented particular difficulties as in some regions higher paying work was readily available and local authority staff had been subject to a public sector pay freeze. Securing tenant access to undertake periodic inspections was an issue that exercised many landlords, inhibited by the ambiguity in the landlord’s legal obligations. If inspections are to be made mandatory then support for landlords to secure legal access to the properties would also be required.
Chapter 6: Conclusion

This report drew upon an analysis of the English Housing Survey and the views and experiences of a small number of social housing providers, representative organisations as well as contractors and consultants to highlight current practice in ensuring electrical safety within the social rented sector.

The analysis of the English Housing Survey showed that on average social landlords perform well in comparison with both owner occupiers and private landlords. The social rented sector has a lower proportion of properties that require electrical repairs than the other tenures, and are far more likely to have modern electrical safety devices present. This level of performance has been undertaken in challenging circumstances, with rent reductions and reduced income in addition to greater expenditures such as managing the fall out of recent welfare reforms. Compliance has also risen up the sector’s agenda, and there is an argument that as the social rented sector is already regulated and scrutinised in a way that the privately rented sector isn’t, that this level of oversight might indicate that there was little need for greater obligations. This view is contested, however (see Carr et al., 2017), and recent regulatory downgrades over gas safety and the tragedy of the Grenfell Tower fire have left an uncertain focus on tenant safety and tenant involvement.

Although respondents reported observing a variety of practice across the sector, most of the social housing providers who were willing to participate in the study used a five year timeframe between inspections for fixed installations in their own housing stocks. Respondents who were contractors and/or consultants could comment on practice across a range of social housing providers and noted that most providers undertook inspections at five-yearly intervals, with a smaller number undertaking inspections with longer timeframes (usually up to ten years). This latter group of respondents also noted that in their experience a very small number of providers did not undertake cyclical inspections, and relied on voids to undertake inspections. It thus appeared that the industry is coalescing around five-yearly inspections but this finding must be tempered by the scale of the study, and potential bias in the method that relied on landlords and organisations to opt in to the study. Nevertheless, the direction of travel towards this practice is apparent.
Whilst the complexity of data, stock, contracts and organisations is managed successfully by many landlords, it was indicated by respondents that some organisations, including some smaller landlords, found this challenging. Similarly the ambiguity about the frequency and quality of inspections can inhibit the management of maintenance at scale, which is delivered through sometimes complex supply chains. A number of respondents made the case for an extension of the gas safe registration system to electricians, where individuals are accountable through their individual accreditation. A further suggestion was the development of a protected title for electricians.

Although the majority of respondents would welcome the introduction of a mandatory timeframe for undertaking periodic inspections, this view was not universal. There was a view that stronger evidence was required of the integrity of installations over distinct time periods compared with risks posed by householder behaviour. There was also a view that any move towards mandatory inspections should be undertaken in consultation with the sector, in order to arrive at a judgment about balancing proportionate risk against the cost of this approach. A further perspective was that the timing of inspections should remain as a risk based approach, based on the judgment of the person undertaking the inspection alongside associated evidence.

Resistance to a move towards mandatory timeframes for inspections could be minimised if there was clear evidence of the need for this approach in terms of tenant safety goals and in reduced day to day expenditures. Nevertheless, additional demand in the system for electrical work across the industry would exert pressure on a sector that many felt was stretched already in terms of capacity.

Whilst respondents stressed that resources had been protected to ensure tenant safety, financial pressures were sometimes evident in relation to updating installations, especially older systems, such as rewires and putting in extra sockets.

Securing access to tenants’ homes to undertake periodic inspections was an issue that exercised many landlords, inhibited by the lack of prescription in landlords’ legal obligations. The proposed changes to the regulatory regime for the PRS in England whereby private landlords will have to undertake a mandatory inspection every five years will presumably also mean that private landlords will be able to
require access to undertake the mandatory inspections in much the same way as for Gas safety checks. If this is the case, then social landlords will not have the same opportunities to ensure safety that will be afforded to private landlords. Undertaking inspections during void periods certainly minimised disruption for households, but also meant that there was not an opportunity to see how installations were being used, and the potential for advice to tenants on electrical safety. Respondents commented that there tended to be a low level of awareness of electrical safety amongst tenants, which related to a number of different aspects of this issue, including:

- The use of appliances around the home by householders; the safety of appliances themselves, as well and the dangers of socket overloading.

- Awareness of the need for regular inspections to ensure safety. The introduction of more regular periodic inspections itself posed a problem with regard to an understanding of the need for such regular inspections by tenants.

Respondents reported very diverse practice with regard to awareness raising about electrical safety, although many respondents highlighted the range of approaches that they used to promote this topic, drawing attention to information and guidance elsewhere, as well as passing on specific news on product recalls, for example. Nevertheless, some respondents emphasised the broader responsibility for raising awareness of electrical safety not only across the electrical industry, but more widely by government.
References


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