

Smoke and Carbon Monoxide Alarm Policy



London Borough of Barking and Dagenham

Name	Smoke and Carbon Monoxide Alarm Policy
Owner	Strategic Director HEC
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1.0 Introduction and Objectives

- 1.1 As a landlord, London Borough of Barking and Dagenham (LBBD) is responsible for the maintenance and repairs to our homes, communal blocks and other properties we own and manage.
- 1.2 We are responsible for ensuring that all our properties meet the requirements as set out in the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022, and that our properties are safe for residents.
- 1.3 The key objective of this policy is to ensure our Board, Senior Management Team (SMT), employees, partners and residents are clear on our legal and regulatory obligations regarding smoke and carbon monoxide detectors. This policy provides the framework our staff and partners will operate within to meet these obligations.
- 1.4 This policy forms part of our wider organisational commitment to driving a health and safety culture amongst staff and contractors (as detailed within our Health and Safety Policy). It will be saved on our shared drive and distributed to all relevant members of staff.

2.0 Scope

- 2.1 This policy applies to the following property types:
 - Domestic properties (houses, flats, bungalows, and so on).
 - Sheltered / independent living schemes.
- 2.2 This policy is relevant to all our employees, residents, contractors, stakeholders and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services. Adherence to this policy is mandatory.

3.0 Roles and Responsibilities

- 3.1 The Board has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards. As such, the Board will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).
- 3.2 The Senior Management Team (SMT) will receive monthly performance reports in respect to our adherence to legal requirements under the regulations and ensure compliance is being achieved. They will also be notified of any non-compliance issues identified.
- 3.3 The Head of Compliance and Quality Assurance has strategic responsibility for the management of smoke and carbon monoxide alarm safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.

- 3.4 The Compliance and Quality Assurance Managers has operational responsibility for the management of smoke and carbon monoxide alarm safety and will be responsible for overseeing the delivery of any programmes relating to the servicing or installation of alarms.
- 3.5 Housing teams will provide support where gaining access to properties is difficult and will assist and facilitate any legal access processes as necessary.
- 3.6 Under the requirements of the Social Housing (Regulation) Act 2023 we have appointed the a Fire & Building and Safety Lead.

4.0 Legislation, Guidance and Regulatory Standards

4.1 **Legislation** - The principal legislation applicable to this policy is:

- Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022.
- This policy also operates within the context of additional legislation (see Appendix 1).

4.2 **British Standards** – Under the Regulations, alarms must meet the following standards:

- **BS EN 14604:2005** - Smoke alarm devices
- **BS EN 50291 1:2018** - Gas detectors. Electrical apparatus for the detection of carbon monoxide in domestic premises – Test methods and performance requirements
- **BS 5446 2:2003** - Fire detection and fire alarm devices for dwellings – Specification for heat alarms

The installation guidance for Carbon Monoxide, Smoke and Heat Alarms:

- **BS5839-6:2019** – Fire detection and fire alarm systems for buildings – Code of practice for the design, installation, commissioning and maintenance of fire detection and fire alarm systems in domestic premises
- **BS EN 50292:2023** – Electrical apparatus for the detection of carbon monoxide in domestic premises, caravans and boats. Guide on the selection, installation, use and maintenance

4.3 **Regulatory standards** – We must ensure we comply with the Regulator of Social Housing’s regulatory framework and consumer standards for social housing in England; the Safety and Quality Standard is the primary one applicable to this policy.

The Social Housing (Regulation) Act 2023 changes the way social housing is regulated and may result in future changes to this policy.

4.4 **Sanctions** – Failure to discharge our responsibilities and obligations properly could lead to sanctions, including prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; prosecution under the Smoke and Carbon Monoxide

(Amendment) Regulations 2022 by Environmental Health; and via a regulatory judgement from the Regulator of Social Housing.

5.0 Obligations

5.1 The **Smoke and Carbon Monoxide (Amendment) Regulations 2022** impose duties on landlords to protect residents in their homes and came into effect on 1 October 2022 and requires a landlord to:

- Ensure at least one smoke alarm is equipped on each storey of their homes where there is a room used as living accommodation. This has been a legal requirement in the private rented sector since 2015.
- Ensure a carbon monoxide alarm is equipped in any room used as living accommodation which contains a fixed combustion appliance (excluding gas cookers).
- Ensure smoke alarms and carbon monoxide alarms are repaired or replaced once informed and found that they are faulty.

6.0 Statement of Intent

6.1 We acknowledge and accept our responsibilities under the Monoxide Alarm (Amendment) Regulations 2022, and other duties outlined in Section 4 and Section 5.

6.2 We will install, test and replace (as required) battery operated and/or hard-wired smoke alarms and carbon monoxide detectors as part of the annual gas safety check and our domestic 5-year electrical testing programme.

6.3 We will ensure that on the commencement of a new tenancy (void or new build properties), mutual exchange and/or transfer, that the required smoke and carbon monoxide alarms are installed, tested and replaced (as required).

6.4 We will repair or replace any battery operated and/or hard-wired smoke or carbon monoxide alarm that is identified on a proactive programme of checks, or where LBBB has been notified that the alarm is not working.

6.5 We will operate a robust process if there is difficulty gaining access to a property to carry out the gas/heating safety check, domestic electrical inspection programme or remediation works. We will use the legal remedies available within the terms of the tenancy agreement, lease or license, provided the appropriate procedures have been followed and approval given by the Strategic Director, Housing, Environment and Communities. Where resident vulnerability issues are known or identified, we will ensure we safeguard the wellbeing of the resident.

- 6.6 We will operate effective contract management arrangements with the contractors responsible for delivering the service, including ensuring contracts/service level agreements are in place, conducting client-led performance meetings, and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.
- 6.7 We will ensure that all replacements, modifications and installations of smoke alarms and carbon monoxide alarms within our properties will comply with all elements of Building Regulations, Approved Document B – Fire Safety and Approved Document J - Combustion Appliances and Fuel Storage Systems.
- 6.8 To comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM) a Construction Phase Plan will be in place for all repairs work to void and tenanted properties (at the start of the contract and reviewed annually thereafter), component replacement and refurbishment works.

7.0 Programmes

- 7.1 **Gas servicing of domestic properties** – We will carry out a programme of annual gas safety checks to all domestic properties we own and manage; the check will be completed within 12 months from the date of the previous LGSR/certificate.
- 7.2 **Electrical testing of domestic properties** – We will carry out a programme of five yearly electrical installation inspections and tests to all domestic properties (unless the competent person recommends an earlier next test date), where we have the legal obligation to do so.
- 7.3 As part of these programmes, we will check the location of smoke and carbon monoxide alarms to ensure compliance with the regulations. We will also install, test and replace (as required) battery operated and/or hard-wired smoke alarms and carbon monoxide detectors during this visit.
- 7.4 **Properties managed by others** – We will obtain all relevant documentation where our properties are managed by a third party, that demonstrates compliance with the regulations. If the third party does not provide sufficient evidence, we will carry out our own property safety check and re-charge them for the cost of this.

8.0 Data and Records

- 8.1 We will maintain a core asset register of all properties we own and/or manage, with component/attribute data against each property to show smoke and carbon monoxide alarm installations, and locations. We will also record the most recent date the installations were checked.

- 8.2 We will operate a robust process to manage all changes to stock, including property acquisitions and disposals, to ensure that properties are not omitted from any servicing programmes and programmes remain up to date.

9.0 Resident Engagement

- 9.1 We consider good communication essential in the effective delivery of all compliance safety programmes, therefore we will establish a resident engagement strategy and communication programme to support residents in their understanding of the importance of smoke and carbon monoxide alarms, and regular testing of these.
- 9.2 We will share information clearly and transparently and will ensure that information is available to residents via regular publications and information on our website.

10.0 Competent Persons

- 10.1 The competency requirements for the delivery of the gas/heating servicing programme can be found in the Gas and Heating Policy.
- 10.2 The competency requirements for the delivery of the electrical inspection programme can be found in the Electrical Safety Policy.

11.0 Training

- 11.1 We will deliver training on this policy and the procedures that support it, through appropriate methods including team briefings; basic safety awareness training; and on the job training for those delivering the programme of gas and heating safety checks, electrical testing, planned maintenance and repair works as part of their daily job. All training undertaken by staff will be formally recorded.

12.0 Quality Assurance

- 12.1 Smoke and Carbon Monoxide Alarms are not subject to their own third-party quality assurance audits but will form an element of third-party audits undertaken for Gas and Electrical Safety. For the specific details of these third-party audits can be found in the Gas and Heating Policy and the Electrical Safety Policy.

13.0 Significant Non-Compliance and Escalation

- 13.1 Our definition of significant non-compliance is any incident which has the potential to result in a potential breach of legislation or regulatory standard, or which causes a risk to health or safety, and which needs to be managed as an exception to routine processes and procedures.

- 13.2 All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred, or of an LBBD employee becoming aware of it.
- 13.3 Any non-compliance issue identified at an operational level will be formally reported to the Compliance and Quality Assurance Manager in the first instance, who will agree an appropriate course of corrective action with the Head of Compliance and report details of the same to the SMT.
- 13.4 In cases of serious non-compliance, SMT and Board will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive.
- 13.5 We will ensure there is a robust process in place to investigate and manage all RIDDOR notifications submitted to the HSE and will take action to address any issues identified and lessons we have learned, to prevent a similar incident occurring again.

Appendix 1 - Additional Legislation

This policy also operates within the context of the following legislation:

- The Gas Safety (Installation and Use) Regulations 1998
- Fire Safety Act 2021
- Building Safety Act 2022
- Defective Premises Act 1972
- Health and Safety at Work Act 1974
- Landlord and Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- The Occupiers' Liability Act 1984
- Workplace (Health, Safety and Welfare) Regulations 1992
- Management of Health and Safety at Work Regulations 1999
- Management of Houses in Multiple Occupation (England) Regulations 2006
- Housing Act 2004
- Building Regulations 2010 (England and Wales)
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Construction (Design and Management) Regulations 2015
- Data Protection Act 2018
- Social Housing (Regulation) Act 2023