



Regulatory Notice August 2018

Registered Provider

Arun District Council (45UC)

Regulatory Finding

The regulator has concluded that:

- a) Arun District Council has breached the Home standard
- b) As a consequence of this breach, there was the potential for serious detriment to Arun District Council's tenants
- c) The regulator will work with Arun District Council as it seeks to remedy this breach and will continue to consider what further action should be taken, including whether to exercise any of its powers

The Case

As a local authority, Arun District Council is required to comply with the consumer standards. The regulator has received information which indicates that Arun District Council had failed to meet statutory health and safety requirements in relation to fire safety and water safety.

In respect of fire safety, Arun District Council has a statutory duty, under the Regulatory Reform (Fire Safety) Order 2005, to regularly assess the risk of fire in properties where it has responsibility for maintenance. Having identified the hazards and people at risk, it is also required to take precautions to prevent the

risk of fire. The regulator has learned that up until 2016, Arun District Council did not have a programme in place to carry out risk assessments across its stock and only did so on a reactive basis when issues were reported. This means that Arun District Council cannot provide assurance that all of the relevant properties had a risk assessment in place until very recently. Furthermore, although a programme of fire risk assessments has now been completed, Arun District Council has not yet completed the actions arising out of those fire risk assessments. Arun District Council has reviewed and prioritised a programme to undertake immediate works and ensure the prioritised actions are completed as soon as possible.

In relation to water safety, Arun District Council has a statutory duty under the Control of Substances Hazardous to Health Regulations 2002 to identify and assess the risks of exposure to Legionella and to implement any necessary measures to control risk. As with fire safety, until recently Arun District Council did not have a programme in place to carry out risk assessments and only did so in response to concerns raised. Arun District Council has now developed a programme to carry out those risk assessments but until that work is completed, it cannot fully implement measures to control any risks to tenants. Mitigating actions have been put in place while the programme is being delivered.

The Regulator's Findings

The regulator considered the case as a potential breach of part 1.2 of the Home standard which requires registered providers to meet all applicable statutory requirements that provide for the health and safety of occupants in their homes. With regard to both fire safety and water safety, the regulator concluded that Arun District Council had not met the statutory duties to assess the risks of fire and Legionella and so had breached the Home standard.

The regulator noted that Arun District Council had carried out a review of its arrangements in relation to managing health and safety compliance in 2017 and established a new team to lead this work for its housing stock. As part of its response to the regulator's assessment Arun District Council commissioned an external review which reported in May 2018 and found that there were significant weaknesses in the system currently in place for managing health and safety. An improvement plan is in place and progress is being made to implement the recommendations from the review, some of which were already in train.

Although there is now a programme of works in place to resolve the issues relating to fire and water safety, the regulator also noted that Arun District Council had not previously addressed these issues at a speed which would reflect the level of risk to its tenants. Taking into account the seriousness of the issues and the durations involved, the regulator has determined that it is proportionate to find a breach of the Home standard in this case.

Both fire safety and water safety are self-evidently important because of the potential for serious harm to tenants. In this case the regulator has concluded that the risk of serious harm is demonstrated because of the large number of tenants

potentially exposed to an unknown risk of danger over a long period of time. Therefore the risk of serious detriment has existed.

Section 198A of the Housing and Regeneration Act 2008 (as amended) states that the regulator's regulatory and enforcement powers may be used if a registered provider has failed to meet a consumer standard. In order to use regulatory or enforcement powers, as well as the failure to meet the standard, there should also be reasonable grounds to suspect that the failure has resulted in a serious detriment to the provider's tenants (or potential tenants) or that there is a significant risk that, if no action is taken by the regulator, the failure will result in a serious detriment to the provider's tenants (or potential tenants).

Arun District Council has put in place a programme to rectify these failures. The regulator will work with Arun District Council as it seeks to address the issues which have led to this situation, and will consider what, if any, further action to take in relation to the breach of the Home standard.

The regulation of social housing is the responsibility of the Regulation Committee, a statutory committee of the Homes and Communities Agency (HCA).

References in any enactment or instrument to the Regulator of Social Housing are references to the HCA acting through the Regulation Committee.

Homes England is the trading name of the HCA's non-regulation functions.