



UTTLESFORD DISTRICT COUNCIL

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APPENDIX B

Referrals and Regulatory
Enquiries team
Regulator of Social Housing
Level 2
7-8 Wellington Place
Leeds
LS1 4AP

11 August 2022

Our ref: PH/sk

Please ask for Peter Holt on 01799 510400
email: pholt@uttlesford.gov.uk

Dear Sir/Madam

Self-referral by Uttlesford District Council - potential breach of the Home Standard

I am writing to notify you by way of self-reporting, that Uttlesford District Council believes it may be in breach of the Home Standard, with reference to its obligations under health and safety legislation and regulations.

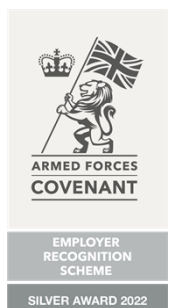
Having consulted with the Leader of the Council and the Cabinet Member for Housing, I have taken the decision to self-refer because I do not have full confidence that all the required health and safety compliance checks are being carried out to homes owned by the Council.

Background

Uttlesford District Council owns and manages 2800 homes in North-West Essex. There are no high-rise blocks within our portfolio.

In April 2020 Uttlesford District Council formed a joint venture partnership with Norse Commercial Services Ltd. The new company, Uttlesford Norse Services Ltd (UNSL) provides a range of property and building maintenance services to the Council including responsive repairs, planned maintenance and capital improvement of its housing stock. This includes ensuring that the required health and safety inspections and associated remedial works are carried out in relation to gas appliances, electrical installations, water hygiene, asbestos, lifting equipment and fire safety.

Since the formation of the partnership vehicle, arrangements have been put in place for the council to monitor the management of statutory health and safety compliance. However, there have been challenges in embedding and operating this delivery model and the Council does not currently have sufficient confidence that UNSL is meeting the required levels of compliance in terms of the health and safety inspections listed above.



The Council commissioned an internal audit report in October 2021, where concerns around monitoring and governance arrangements were first raised. The internal audit findings were first reported to the Council's Governance, Audit and Performance Committee in November 2021. Key recommendations included:

1. UNSL to provide regular performance reports, with updates on remedial actions taken to address shortfalls in service
2. The Council to implement its own arrangements to identify, monitor and check that all health and safety requirements are being completed on time
3. The Council to risk-rate outstanding actions identified and closely monitor/escalate to senior UNSL management.
4. The Council to introduce a system for post-works checks, to ensure that health and safety inspections/remedial works carried out by UNSL meet the required standards.

In April 2022 UNSL began the process of transferring compliance data relating to the Council's housing assets to its Connect data portal. The aim of the Connect system is to provide easy, remote access to both UNSL and the Council, thereby enabling the Council to ensure its landlord obligations are being fulfilled, at any given point in time. Connect is part of a wider mobile solution, whereby live property inspection data can be uploaded in real time, providing transparency on the current compliance position.

Although UNSL had previously assured the Council that compliance data is up to date, the Council is still not currently able to access the Connect system in a way which provides full visibility of the data which sits beneath the Performance Tiles being reported to the Council on a weekly basis. UNSL has provided assurances that the issue preventing it being shared will be resolved imminently.

A follow up Internal Audit report, published in June 2022, noted insufficient progress on the Council's part in addressing a number of issues. In response, I urgently commissioned external specialist support through the East of England Local Government Association (EELGA) to support the Council in addressing each of the issues identified in the Internal Audit reports. A team of Associates, which includes a senior housing specialist, commenced their work in June 2022 and have been keeping me regularly apprised of their progress.

Based on the information which has so far been provided to me, I am not assured that the health and safety compliance programme is complete, hence our decision to self-refer.

Our current (reported) position

1. Periodic compliance checks

The Connect data portal has generated a performance dashboard in relation to heating, fixed electrical installations, fire safety inspections, LOLER (lifting equipment) and Legionella (water hygiene testing). Work is still ongoing in relation to creating performance dashboard for asbestos risk assessments.

A headline summary of performance as of 19 August 2022 (as taken directly from the performance dashboard) is as follows:

Compliance area	Reported position
Gas - Current LGSR, 12-month programme	99% compliant 12 expired certificates
Electrical fixed installations, current EICR: Five-year programme	74% compliant 719 expired or lost certificates

Ten-year programme	98% compliant 59 lost or expired certificates
Legionella risk assessments	100% compliant
Fire Safety	100% compliant
Lifting equipment, LOLER	100% compliant
Asbestos risk assessments	Not reported

The current position shows that the Council is not fully compliant across all six areas. My further concern is that the performance dashboard does not fulfil the Council's requirements in terms of the metrics being reported. This includes various elements of the current six areas of compliance and also to the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022, which come into force this October.

Further, without undertaking a full validation exercise, I cannot be assured that the raw data upon which the performance position has been reported, is 100% reliable.

2. Individual property issues requiring attention

The EELGA consultancy team have also identified various other concerns impacting the quality and safety of some council homes. These relate to individual properties and the management approach currently being taken by both the council and UNSL to address them. Examples include:

- Unauthorised tenant alterations in need of remedial actions and tenancy enforcement
- Unauthorised log burners and gas fires in need of de-commissioning/removal
- The need to bring forward for consideration capital improvement programmes to some homes, including re-designing interior layouts for some house-types and replacing external wall insulation in respect of six individual, timber framed and clad houses
- Taking a more robust and joined up approach across the Property Maintenance and Housing Management teams, to address non-access issues
- Encouraging residents who have refused the installation of whole-home heating systems, to re-engage with the Council

How we intend to improve - Our Path to Compliance

To address the issues set out above, we have approved a comprehensive remedial action plan, recommended by our consultants. This is attached as Appendix One.

Although the work of the EELGA consultancy team is not yet complete, I have already begun to implement the actions recommended. To ensure that delivery of the action plan is led at an executive level, I have appointed a highly experienced and qualified interim Director of Housing, who will – supported by the current Asst. Director - be dedicated exclusively to leading our Housing Services and will report into the Corporate Management Team and to our Cabinet, Governance, Audit and Performance Committee and Housing Panel. The EELGA team will also continue to support the Council to ensure we are able to implement the action plan.

Actions already completed include measures to address the known gaps in our compliance programme. Four electrical contractor companies have already been employed to inspect homes for which there is no current EICR and a more robust approach to seeking legal remedies for addressing non-access is being taken.

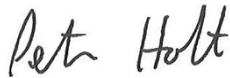
I have today also written to every tenant to tell them about this self-referral and briefed all Council staff and UNSL. We have put in place a comprehensive communications campaign, provided briefings to staff who may be taking calls from tenants, and we will also be placing a statement on our website, along with some questions and answers and signposting for tenants wishing to have a further discussion, or who have any further questions.

Our undertaking to the Regulator of Social Housing

We fully acknowledge the serious nature of the matter which has brought me to self-refer to the Regulator. The safety and comfort of our tenants is paramount to Uttlesford District Council, and we are committed to ensuring that full compliance is achieved without exception, and within the shortest possible timescale.

We will, of course, cooperate fully with the Regulator going forward and we look forward to keeping you regularly updated on our progress against our Path to Compliance Action Plan.

Yours faithfully

A handwritten signature in black ink that reads "Peter Holt". The signature is written in a cursive, slightly slanted style.

Peter Holt
Chief Executive

Copies to:

Cllr Petrina Lees, Leader of the Council
Cllr Arthur Coote, Cabinet Member for Housing