

APPENDIX 2

UTTLESFORD DISTRICT COUNCIL RESPONSE TO REGULATOR OF SOCIAL HOUSING FOLLOWING MEETING HELD ON 12 SEPTEMBER 2022

Regulator's question:

Confirmation on the current landlord health and safety compliance figures for gas, fire, electrical, water, lifts and asbestos broken down for domestic and communal/non-domestic properties (if you are not able to break down by communal/domestic please tell us your up-to-date position). Please confirm where you are unable to provide assurance of the accuracy of the figures for any of the areas.

Response by Uttlesford District Council:

Please refer to Appendix 1 – 'Current reported performance position'

UNSL has now been able to provide a breakdown by domestic and communal/non-domestic for gas and electrical safety inspections. This is included in the information provided in Appendix 1.

We have more assurance in some areas than others, because of our recent intensive engagement with UNSL at a local level. This has included FRA action spreadsheets. However, until the performance data provided has been independently validated, we are unable to provide full assurance on the accuracy of the data provided by UNSL against any of the areas of compliance.

UDC will be able to advise the Regulator of the date by which the validation process will be completed during w/c 3 October 2022, following the project inception meeting being held on 3 October 2022 with Pennington Choices.

Regulator's question:

Current remedial actions for all 6 health and safety compliance areas above. Where remedial actions are overdue, please tell us how far overdue they are and the risk rating of the actions. For fire safety please include both the property and management actions (if you are not able to provide information and/or a breakdown please tell us the Councils position). Please indicate where you are unable to provide assurance for remedial actions having been completed.

Response by Uttlesford District Council:

Remedial actions - FRAs

- The FRA actions have been rated by risk type and broken down by maintenance and management actions and are presented for both general needs blocks and sheltered blocks. This information is provided in Appendix 1. The quantum of out-of-date FRA actions are reported in Appendix 1A. UNSL have reported that there are no high-risk actions outstanding. There are a total of 31 medium-risk actions overdue and 25 low-risk/advisory actions. The Council has had sight of the spreadsheet detailing all the actions, with detailed description of each of the actions required.
- Detail on the FRA actions was provided to us because of recent intensive engagement with UNSL. The information has never been provided in this way previously, given our

inability to access the Connect system. Nor has it been provided through previous requests the Council has made. Now that the information has been provided the Council will immediately ensure that the management actions are completed and will closely monitor the completion of the maintenance actions, through to their completion.

Remedial actions - overdue electric inspections

- UNSL has informed us that the electrical inspection catch-up programme will be complete by the end of December 2022. This timescale factors in the need to prevent further inspections falling out of compliance.
- UNSL has increased to five the number of electrical sub-contractors carrying out the safety inspections. The largest contractor with the most resources has been asked to prioritise the inspections of those homes where the inspections are more than 10 years out of date. A new process has been introduced whereby contractors telephone the tenant directly and send a letter. Two contractors are now offering evening and Saturday appointments.
- Outstanding electrical safety inspections are being prioritised and we are monitoring progress very closely through weekly compliance performance data returns from UNSL.
- All tenants and staff were made aware in writing about our decision to self-refer to the Regulator. Both the letter sent to tenants and information provided on our website reminded tenants of the importance of providing access to carry out the checks. Tenants were also reminded to report repairs for urgent attention, where they had any concerns. We will be updating tenants through the Tenants Panel and newsletter, both due this month. We will reinforce the importance of tenants of providing access for appointments through these channels.
- Since commencing in post on 23rd August the Interim Deputy Director of Housing, Health and Communities has met formally with the Operations Director and depot manager at UNSL three times and is working closely with them to improve working methods to gain access. This will be helped by the council's determination to work constructively in partnership with UNSL to address management issues.
- We will begin legal proceedings against tenants, where tenants continually fail to engage in allowing access. The council will procure external legal support as required to achieve this.

Gas safety

- We are now applying for injunctions to facilitate access in the most difficult of cases, rather than rely on the longer route of legal actions for breach of tenancy.

Asbestos

- UNSL have very recently informed us that out of the 48 blocks in management, 47 had an asbestos risk assessment or re-inspection more than five years ago. One block has never had a survey, or there are no records for this.
- UNSL has reported that it has records of asbestos being removed where it has been identified in certain properties. But there isn't currently a management plan in place to manage any asbestos still in situ.
- To remediate this situation UNSL have informed us that they have appointed a specialist asbestos contractor to attend every block to carry out a new survey. UNSL have confirmed that they have issued the purchase order for this, for the visits to take place and return of certification to UNSL within 28 days, i.e., by mid-October 2022. In the

interim UNSL is issuing instructions to contractors that asbestos surveys must be undertaken before carrying out intrusive works to communal areas of flat blocks and sheltered housing scheme communal areas.

Regulator's question:

Details of any mitigations in place to ensure residents safety in any areas where the Council does not have assurance.

Response by Uttlesford District Council:

- The Council will implement the Path to Compliance improvement plan, as provided to the Regulator in the self-referral letter dated 23 August 2022
- Where any further issues are identified following the independent validation exercise, these will be added to the improvement plan
- As stated above, now that the council is in possession of more granular information as provided by UNSL, it will immediately address the outstanding fire safety actions, both directly, through its housing management team and by close contract management of UNSL, where the actions fall into the latter's remit
- The Council will be supported by an Interim Deputy Director of Housing and Interim Director of Housing, appointed in August and October 2022 respectively. Their first priority will be to ensure the implementation of the Path to Compliance improvement plan
- The Council recognises the need to employ a suitably qualified maintenance contract manager, who will work closely with UNSL and ensure that compliance is achieved and maintained. The council is in the process of recruiting an interim resource for this purpose, with a view to a permanent role being appointed in the near future
- The Council is considering the findings of consultants employed through the East of England Government Association, so that they can determine the longer-term future of the UNSL joint venture partnership and in the immediate term, re-set the relationship. This will include much closer scrutiny than was previously the case
- New governance arrangements, including a robust performance management framework will be put in place to ensure effective monitoring and oversight of the performance of UNSL, as per the recommendations of the internal audit report (published November 2021) and the Path to Compliance improvement plan. This will ensure greater accountability on the part of the Council's CMT and Members, to closely scrutinise performance and hold UNSL to task where performance is not being maintained
- The Chief Executive has openly shared the issue of non-compliance with council staff in a meeting held on 23 August 2022. Council staff will support each other and work in a partnership spirit with UNSL to make our homes safe

Regulator's question:

[provide] A copy of the internal audit reports from October 2021 and June 2022.

Response by Uttlesford District Council:

Internal audit report published November 2021 is attached as Appendix 2

Internal audit progress report, June 2022 is attached as Appendix 3

Regulator's question:

A brief overview of why the Council have instructed Pennington Choices to undertake a full validation exercise across all compliance areas.

The Council is unable to be assured of the reliability of the performance data provided by UNSL. This is for the following reasons:

- The metrics which have been historically provided by UNSL do not meet the Council's requirements or that which we consider are needed to meet the requirements of Home Standard
- UNSL have not yet been able to provide the Council with access to the data and evidence which sits behind the performance dashboards generated by the Connect compliance portal. Therefore, the Council has been unable to validate the accuracy or quality of the performance data provided

The Council has therefore taken the decision to commission a highly regarded property compliance specialist (Pennington Choices), to carry out an independent, in-depth analysis of all property and compliance data held and managed by UNSL. This will include ensuring that every one of the Council's housing assets (domestic and communal) is on the appropriate compliance programme. This will enable the Council to:

- Verify its position on health and safety compliance, against its required metrics— Pennington Choices have confirmed that it will be able to extract the required information without having direct access to Connect portal
- Gain an impartial view. The Council wishes to gain an objective insight in pursuance of its ongoing discussions with UNSL around service improvement
- Have the task delivered within a short timescale
- Have a verified baseline upon which to improve its performance for each of the areas of compliance, including any further mitigations.