

APPENDIX E

UDC compliance assurance requirements from UNSL for critical health and safety factors

Introduction

Our new chief executive, on the back of the Internal Audit report into the internal governance arrangements for our joint venture that we have shared with you, is urgently requiring this degree of assurance to answer the basic and fundamental question: 'As the landlord – a duty which is not shared with UNSL – how can I be reassured that everything that reasonably needs to be done regarding health and safety activities is being done to acceptable standards, within timescales, in compliance with the law and in line with our SLA with UNSL?'. Unless and until we have not only effective delivery – which may indeed already be in place - but also effective and definitive reporting, then we are not able to give that reassurance, which will inevitably lead to an urgent escalation of this matter.

Gas:

Our expectations of what needs to happen: focusing on critical health and safety issues in particular, (and setting aside for now our broader expectations around ongoing maintenance, repairs, renewal etc.) every single property with gas is to be inspected by a Gas Safety Registered Engineer, and a Landlord Gas Safety Record is provided for that inspection, every 12 months. For any properties where defects are recorded, we expect those to have been recorded as rectified during the inspection visit, or the supply/ faulty appliance to be disconnected pending repair, fitting of a replacement part or replacement of the appliance. As this would then leave the tenant without heating and/or hot water, we'd also expect to see details of when the necessary repair/replacement is scheduled urgently to happen.

For any properties where it has not been possible to arrange access or access has been actively denied, we expect the following processes to be followed:

The Responsible Officer (RO) will request evidence that UNSL has made every endeavour to contact the tenant i.e., phone calls, letters, emails, text messages and knocking on the door of the property. UNSL must inform the RO that all avenues have been exhausted and no contact has been made by/with the tenant within the timescale as defined in the Council's Gas Servicing Policy and Procedures (attached). then the RO will agree that UNSL is to commence legal proceedings to gain access to the property. As well as the individual actions in each such case, we'd expect there to be a collated schedule of all such instances to allow for an at-a-glance overview.

Our expectations in terms of reporting thereof: we would expect to see progress reporting (over the rolling 12 month period) [on a monthly basis] – including both period reporting [the last month's work] and the rolling 12 month figures. The format for your reporting should continue to be via the excel spreadsheet to enable us to clearly see and understand:

- The denominator – namely exactly how many properties have gas, and therefore require an annual inspection
- The numerator – namely exactly how many properties with gas that have been inspected.
- For any of those properties inspected and found to have any defect, we require adequate details for each specific named property (as specified above)
- Details of properties ‘Disc-ed’
- Where the proportion of those inspected compared to those that need an inspection is not 100%, we further require both the number of properties that have not been inspected and a detailed list of those specific properties, as well as a treatment strategy, with dates, detailing the action being taken by UNSL as agreed in the SLA
- We need to be notified on properties where no carbon monoxide monitor has been recorded.

Current reporting and gaps: The current reporting is helpful and welcome, but isn’t as full and clear as set out in our expectations above, and lacks clarity over the threshold triggering the need for UNSL to take legal action to secure access to the property, and we would ask that this is urgently changed now as standard. The reporting mechanism needs to migrate from a locally managed excel spreadsheet to the online SIMPRO or Pirahna by 31 March 2022. A decision on which portal is to be made by 31 November 2021.

Efforts we have made to resolve these gaps: we have raised the threshold for taking legal action to secure access with UNSL’s Operations Director on [date].

Legionella

Every single sheltered property whose water supply is from a shared tank is to be tested [at all outlets within each flat every month] by UNSL’s chosen supplier (currently Norse Infinity) in compliance with the Approved Code of Practice (ACoP L8, HSG 274), and monthly reports are to be provided to the RO. Water samples must be despatched for laboratory analysis within [24 hours]. For any properties where any unsafe levels of legionella [metric to be stated] are recorded we expect a remediation plan to be notified to the RO on the same day that laboratory test results are supplied.

For any properties where it has not been possible to arrange access or access has been actively denied, we expect the following processes to be followed:

On being promptly supplied with the update, the Responsible Officer (RO) will request evidence that UNSL has made every endeavour to contact the tenant i.e., phone calls, letters, e mails, text messages and knocking on the door of the property. UNSL must inform the RO that all avenues have been exhausted and no contact has been made by/with the tenant within a reasonable period of time [needs to be defined: how often should contacts be attempted and how many attempts allowed] then the RO will agree that UNSL is to commence legal proceedings to gain access to the property.

Where inspected properties are found to have unsafe levels of Legionella we need to be kept informed [daily] of implementation of the remediation plan and retesting of water supplies post treatment.

Our expectations in terms of reporting thereof: we would expect to see progress reporting (over the rolling 12 month period) [on a monthly basis], as well as exception reporting on failed tests and ongoing action until the test is passed for that property on a daily basis, and exception reporting on failed access and follow up action being taken until access is granted and the test passed on a weekly basis, – including both period reporting [the last month’s work] and the rolling 12 month figures. The format for the reporting should be via the Teams portal as demonstrated to the RO on 18 November 2021 to enable us to download reports, and clearly see and understand:

- The denominator – namely exactly how many properties have shared water tanks, and therefore require monthly inspection
- The inspection rate – namely exactly how many properties have been inspected, and a percentage thereof against the denominator.
- The success rate – namely how many properties have fully passed the monthly inspection, and a percentage thereof against the denominator.
- Itemised updates on each individual property that either failed the test the previous month or was not tested because of lack of access
- We would expect the Teams portal to be populated by 31 December 2021, including any back log of reports since [1 April 2020] not yet uploaded.

Current reporting and gaps: The current reporting mechanism needs to migrate from its ad hoc basis to the Teams portal by 31 December 2021 and for the portal to be populated and back log of reports to be captured by [date]. A number of outstanding low priority actionable items were due for by UNSL in house plumbers by 12th November. Assurance needs to be provided that these have now been completed.

Efforts we have made to resolve these gaps: Confirmation that all outstanding actionable items have been completed requested from UNSL’s Operations Director on [date].

Fire Risk Assessments and Cladding Issues

Every single property with shared areas needs to be assessed on an annual basis by UNSL’s selected supplier (currently Norse Infinity) who will use competent persons in compliance with the Fire Safety Order 2005, and monthly reports are to be provided to the RO. UNSL to ensure that FRA reports are received [within 14 days of inspection]. For any properties where unmitigated risks are identified a remediation plan to be notified to the RO [within x days] of the FRA reports being received by UNSL.

Where inspected properties are found to have unmitigated risks we need to be kept informed of the remediation plan progress. The necessary frequency of progress reports will be determined by the competent person’s assessment of the risk level

Our expectations in terms of reporting thereof: we would expect to see progress reporting (over the rolling 12 month period) [on a monthly basis]. The format for the reporting should be via the SIMPRO portal as demonstrated to the RO on 18 November 2021 to enable us to download reports and clearly see and understand:

- The denominator – namely exactly how many properties have shared water tanks, and therefore require monthly inspection

- The inspection rate – namely exactly how many properties have been inspected, and a percentage against the denominator.
- The success rate – namely how many properties have passed the inspection, and a percentage against the denominator.
- For any of those properties inspected and found to have any defect, we require adequate details for each specific named property (as specified above).
- For any properties that were not inspected but are not out of the 12 month inspection window, we expect confirmation that each is programmed in for the following month.
- For any properties that were not inspected and are now outside the 12 month inspection window, we expect full details of the action being taken to secure prompt access.
- We would expect the SIMPRO portal to be populated by 31 December 2021, including any back log of reports since [1 April 2020] not yet uploaded.

Current reporting and gaps:

The current reporting mechanism needs to migrate from its ad hoc basis to the SIMPRO portal by 31 December 2021 and for the portal to be populated and back log of reports to be captured by [31 December]. The claimed 100% FRA inspection position cannot be accepted, as receipt of [x] reports are understood not to be available until 31 November. It is noted that the closure of fire doors at John Dane Player Court and Hatherley Court sheltered schemes have now been properly adjusted.

The Swedish Houses that were identified as a fire risk. Whilst UNSL is installing L1 Fire Alarms in 2 out of the 7 properties, that still leaves 5 properties unprotected and no explanation as to how UNSL is mitigating this risk in the immediate future; remedial fire stopping works require substantial capital funding of circa £500,000.

We need to ask what is happening with these 5 properties and ask for the report on the costs of these remedial works. This was due to have been received by UNSL on Friday 12th November and is therefore already overdue.

Efforts we have made to resolve these gaps: The need for outstanding reports to be received by 30 November and all outstanding actionable items to be completed by [date] will be raised at the UNSL Liaison Board on 18 November.

Electrical Inspections

Every single property is to be inspected by a EICR qualified electrician to assess the condition and safety of the property's wiring, and a record is provided for that inspection, every 5 years. For any properties where defects are recorded, we expect those to have been recorded as rectified during the inspection visit, or the property/ circuit to be disconnected pending repair or rewiring. As it is not reasonable for a tenant to live without electricity for long, we require the most urgent remedial action to be taken in any and every such case. For avoidance of doubt, we expect this same day or next day, and a detailed explanation action plan if that is not possible.

For any properties where it has not been possible to arrange access or access has been actively denied, we expect the following processes to be followed:

The Responsible Officer (RO) is to be promptly informed and provided with evidence that UNSL has made every endeavour to contact the tenant i.e., phone calls, letters, e mails, text messages and knocking on the door of the property. UNSL must proactively inform the RO that all avenues have been exhausted and no contact has been made by/with the tenant within a reasonable period of time [needs to be defined: how often should contacts be attempted and how many attempts allowed] then the RO will agree that UNSL is to commence legal proceedings to gain access to the property.

Where inspected properties require repair and the property/ circuits have been disconnected, we need to know for each whether this is a temporary and urgent response, but which leaves that tenant without a supply they need, or whether there is a redundant circuit.

Our expectations in terms of reporting thereof: we would expect to see progress reporting) on a monthly basis. – including both period reporting [the last month's work] and the rolling 5 year figures. The format for your reporting should be via an enhanced excel spreadsheet to enable us to clearly see and understand:

- The denominator – namely exactly how many properties are in scope [ie all, as all have electricity], and therefore require a five yearly inspection
- The inspection rate – namely exactly how many properties that have been inspected.
- For any of those properties inspected and found to have any defect, we require adequate details for each specific named property of both fault and remediation plan
- For any properties that were not inspected but are not out of the 5 year inspection window, we expect confirmation that each is programmed in for the following month
- For any properties that were not inspected and are now outside the 5 year inspection window, we expect full details of the action being taken to secure prompt access

Current reporting and gaps: The current reporting is subject to backlog with many outstanding properties. Only 71.86% have an EICR up to 5 years old, but just 70 properties are currently with contractors for re-inspection. UNSL advises that the whole estate will not be brought into compliance by the end of Q2 2022. This indicates a deterioration in the situation at the point that maintenance of the stock was transferred to UNSL on 1 April 2020. At that point 100% of properties had an EICR up to 5 years old. Compliance is currently being managed on an excel spreadsheet, but UNSL plans to move this onto the SIMPRO software portal. The target date for completion is 31 March 2022.

Efforts we have made to resolve these gaps: The backlog, and programmed compliance date, has been raised with UNSL's Operations Director on [date].

Asbestos surveys

Every single property constructed prior to 2000 is to be inspected by a UNSL supplier (currently Norse Infinity) using a competent surveyor in accordance with HSE guidance on an Asbestos Containing Materials assessment (a Management Survey), and a record is to be provided for that inspection. This will include some re-survey work to ensure comprehensive information. This is needed to be able to demonstrate all risk areas, monitor staff usage of the Database, manage out removal programmes and on completion be able to demonstrate compliance and risk management.

Where the first inspection showed presence of asbestos, we expect a routine reinspection to check on the current state of containment every [12 months]. Reactive reinspections must take place promptly on any reported concern of disturbed asbestos.

For any properties where it has not been possible to arrange access or access has been actively denied, we expect the following processes to be followed:

The Responsible Officer (RO) is to be proactively and promptly provided evidence that UNSL has made every endeavour to contact the tenant i.e., phone calls, letters, e mails, text messages and knocking on the door of the property. UNSL must inform the RO that all avenues have been exhausted and no contact has been made by/with the tenant within a reasonable period of time [needs to be defined: how often should contacts be attempted and how many attempts allowed] then the RO will agree that UNSL is to commence legal proceedings to gain access to the property.

Where inspected properties require remediation through removal of the asbestos, we need to know for each whether the competent surveyor assesses this to require an urgent response, or can be programmed.

Our expectations in terms of reporting thereof: we would expect to see inspection progress reporting [on a monthly basis] until the survey of the whole estate is completed. The format for your reporting should continue via the Teams online portal demonstrated on 18 November to enable us to download reports, and clearly see and understand:

- The denominator – namely exactly how many properties were constructed pre 2000, and therefore require an annual inspection
- The asbestos containing properties number
- The inspection rate – namely exactly how many properties have been inspected for asbestos, and a percentage proportion of the denominator
- The proactive reinspection rate – the percentage proportion of those found in the first inspection to have contained asbestos that have been proactively routinely reinspected within the agreed [12 month] window
- The reactive reinspection rate – the percentage proportion of those where specific concerns of disturbed asbestos have been reported that were reinspected within [X] days of the report
- For any of those properties inspected and found to have any asbestos and where a need for its removal was identified, we require adequate details for each specific named property including when that removal is scheduled for

Current reporting and gaps: The database for reports is incomplete. There are outstanding reports to be loaded onto the Teams online portal. All pre 2000 properties have been identified and a programme for completion of the re-surveys has been drawn up. Clarification is required as to whether re-survey work will be phased over the next three years or in year 3 of the contract term (2022-23). The former programme is too extended a timeframe. UNSL claims 87% compliance but it is unclear what this means. It is inconsistent with the stated target of being able to demonstrate compliance and risk management by Year 3.

Efforts we have made to resolve these gaps: The UNSL Operations Director has been chased since October 2021 over the backlog, programmed compliance date and lack of a target date for population of the Teams online portal. The latter has now been confirmed as 31 March 2022.

Lifts and stairlifts

Every single property with lifts and stairlifts needs to be assessed on an [annual] basis by UNSL's selected supplier (currently [Zurich]) who will use competent persons in compliance with [the manufacturers' guidance], and monthly reports are to be provided to the RO. UNSL to ensure that reports are received [within 14 days of inspection]. For any properties where unmitigated risks are identified a remediation plan to be notified to the RO [within x days] of the FRA reports being received by UNSL.

Where inspected properties are found to have unmitigated risks we need to be kept informed of the remediation plan progress. The necessary frequency of progress reports will be determined by the competent person's assessment of the risk level

Our expectations in terms of reporting thereof: we would expect to see progress reporting (over the rolling 12 month period) [on a monthly basis]. The format for your the reporting should be via the SIMPRO portal as demonstrated to the RO on 18 November 2021 to enable us to download reports and clearly see and understand:

- The denominator – namely exactly how many lifts and stairlifts are installed, and therefore require [annual] inspection
- The numerator inspection rate – namely exactly how many lifts and stairlifts have been inspected, and a percentage against the denominator.
- The success rate – namely how many lifts and stairlifts have passed the inspection, and a percentage against the denominator.
- For any of those lifts and stairlifts inspected and found to have any defect, we require adequate details for each specific named item of equipment (as specified above)
- For equipment not inspected but are not out of the 12 month inspection window, we expect confirmation that each is programmed in for the following month
- For any properties that were not inspected and are now outside the 12 month inspection window, we expect full details of the action being taken to rectify the programme slippage
- We would expect the SIMPRO portal to be populated by 31 December 2021, including any back log of reports since [1 April 2020] not yet uploaded.
- Where the proportion of those inspected compared to those that need an inspection is not 100%, we further require both the items of equipment that has not been inspected and a detailed list of those specific items, as well as a treatment strategy, with dates, detailing the action being taken by UNSL as agreed in the SLA

Current reporting and gaps:

The current reporting mechanism needs to migrate from its spreadsheet basis to the SIMPRO portal by 31 December 2021 and for the portal to be populated and back log of reports to be captured by [31 December]. All stairlift and lifts have been cross-referenced with the addresses held on the Zurich portal, a few anomalies where found which UNSL are working with RO to rectify the same.

Efforts we have made to resolve these gaps: UNSL has spoken with all of its maintenance contractors, so they are aware of the defects found during the Zurich's inspections and have been given assurances that the defect actions are being corrected and will be completed as a matter of urgency. The need for outstanding reports to be received by 30 November and all outstanding actionable items to be completed by [date] will be raised at the UNSL Liaison Board on 18 November.

The stairlifts in the main building at Walden Place have been isolated and an out of order sign on them so there is not confusion and the SHO is aware of all actions.

18 November 2021