



Regulatory Notice March 2019

Registered Provider

Kinsman Housing Limited (4769)

Regulatory Finding

The regulator has concluded that

- a) Kinsman Housing Limited (Kinsman) has breached the Home standard
- b) As a consequence of this breach, there was the potential for serious detriment to Kinsman's tenants
- c) The regulator will work with Kinsman 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

Kinsman has a responsibility under the regulator's Home standard to have a cost-effective repairs and maintenance service in place, and to meet all applicable statutory requirements which provide for the health and safety of tenants in their homes. That includes requirements under the Regulatory Reform (Fire Safety) Order 2005 which requires registered providers to assess the risk of fire, and to take precautions to prevent the risk of fire.

The regulator received information from a third party which indicated that Kinsman had not adequately responded to potential issues with the structural safety of a number of its homes, along with concerns about the safety of gas, fire and electrical installations.

Kinsman was notified of the potential issues in a new building in January 2017 but did not put in place plans to carry out the necessary survey work until September 2018. This was following a third-party referral to the regulator and the regulator's subsequent engagement with Kinsman. This means that for a considerable period of time, Kinsman did not have assurance that its building was safe and that tenants were not at risk of harm. Surveys commissioned by Kinsman between September and December 2018 identified significant defects and repairs issues including works required to ensure fire safety.

The Regulator's Findings

While the survey commissioned by Kinsman in September 2018 on the structure of the building identified some significant issues, it did not conclude that these posed a serious risk to tenants. However this initial survey recommended further more intrusive inspections including of the gas, electrical and fire safety mechanisms in place.

A subsequent survey carried out by Kinsman in December 2018 identified some serious and wide-ranging concerns in relation to fire safety. In addition although a Fire Risk Assessment (FRA) for the building dated January 2018 concluded that the risk was at a tolerable level, there were a number of follow up actions necessary to ensure the property and its tenants were safe. These risks were known about for a considerable period of time and the evidence demonstrates that Kinsman was extremely slow to act when concerns were raised and failed to identify significant risks. This resulted in a considerable period of time elapsing before a plan to resolve these matters was produced. Kinsman is now making progress in delivering the actions required. Tenants were potentially exposed to an unknown risk of danger over a long period of time. Fire safety is self-evidently important because of the potential for serious harm to tenants.

Taking into account the seriousness of the issues, and the duration for which tenants were potentially exposed to risk, the regulator has concluded that it is proportionate to find that Kinsman has breached of the Home standard and that there was a risk of serious detriment to tenants during this period.

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).

Kinsman is carrying out a programme of works to rectify these failures. The regulator will work with Kinsman 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.