



Regulatory Notice February 2021

Registered Provider

South Kesteven District Council (South Kesteven DC) (32UG).

Regulatory Finding

The regulator has concluded that:

- a) South Kesteven DC has breached part 1.2 of the Home Standard; and
- b) As a consequence of this breach, there was the potential for serious detriment to South Kesteven DC tenants.

The regulator will work with South Kesteven DC as it seeks to remedy this breach and will continue to consider what further action should be taken.

The Case

As a local authority registered provider, South Kesteven DC is required to comply with the consumer standards, including the Home standard. The Home standard requires registered providers to have a cost-effective repairs and maintenance service and to meet all applicable statutory requirements that provide for the health and safety of occupants in their homes.

Our assessment of the information received through a self-referral from South Kesteven DC is that the Council has failed to meet statutory health and safety requirements. Specifically, the requirements in relation to fire safety, the safety of heating appliances, electrical safety, and asbestos safety.

In respect of fire safety, South Kesteven DC has a statutory duty¹ to regularly assess the risk of fire and to take precautions to prevent the risk of fire. In this regard the regulator has learned that over a thousand remedial actions identified in fire risk assessments carried out in 2017 had not been completed. There have also been failings in ensuring that solid fuel heating appliances do not pose a risk to tenants. South Kesteven DC found annual inspections and cleaning of solid fuel heating appliances for a smaller number of properties had not been scheduled or completed in a timely way.

With regard to electrical safety, South Kesteven DC is required to ensure that electrical installations are in working and safe condition both at the start of any tenancy and throughout that tenancy.² South Kesteven DC has reported that none of the Council's communal areas had an electrical inspection and just under half of all its properties had out of date inspections, some of which were more than ten years old. For asbestos safety,³ South Kesteven has reported that nearly three hundred surveys of communal areas were overdue and should have been completed in 2019. For these reasons, the regulator concluded that South Kesteven DC has breached the Home Standard, and as consequence, there was the potential for serious detriment to tenants.

Since identifying these issues, South Kesteven DC has strengthened its senior capacity and is developing an action plan to address the underlying weaknesses in its systems. A programme of work has commenced, and we have been assured by South Kesteven DC that it has taken immediate and appropriate action to ensure the safety of tenants 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 and has concluded that South Kesteven DC did not have an effective system in place to allow it to meet its statutory health and safety responsibilities across a range of areas.

¹ Regulatory Reform (Fire Safety) Order 2005

² Landlord and Tenant Act 1985

³ Control of Asbestos Regulations 2012

Complying with statutory health and safety requirements is a fundamental responsibility of all registered providers because of the potential for serious harm to tenants. South Kesteven DC has demonstrated to the regulator the progress it is making to ensure the required statutory checks, and relevant safety actions, are completed, and that appropriate mitigations are in place in the meantime. However, taking into account the seriousness of the issues, the durations for which tenants were potentially exposed to risk, and the number of tenants potentially affected, the regulator has concluded that it is proportionate to find that South Kesteven DC has breached 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).

South Kesteven DC has put in place a programme to rectify these failures and the regulator will therefore not take statutory action at this stage, as it has assurance that the breach of the standard is being remedied. The regulator will work with the Council as it continues to address the issues which have led to this situation, including ongoing monitoring of how it delivers its programme.