



HCA REGULATORY NOTICE

Registered Provider

Gallions Housing Association Limited (L4274) ('Gallions')

Consumer Regulation Regulatory Finding

The regulator has concluded that

- a) Gallions has failed to meet the Home Standard; and
- b) As a consequence of this breach there was the potential for serious detriment to Gallions' tenants.
- c) Gallions has now rectified the breach to the regulator's satisfaction by implementing an agreed action plan and we have decided that there are no grounds for further action to be taken using enforcement powers.

The case

A Gallions tenant contacted the regulator alleging that there had been no gas safety inspections carried out in his property for the last three years.

The regulator's investigation sought evidence of the provider's efforts to engage with the tenant to resolve the specific issue and more generally of its policies and procedures for dealing with gas servicing.

Gallions provided evidence of robust procedures and could demonstrate that it had a satisfactory gas servicing record. However, on receipt of further information from the tenant we identified that the provider's handling of this particular case could have put the tenant at risk of serious harm as his gas boiler had not been serviced for two years.

Gallions supplied the regulator with evidence of the difficulties it had experienced in obtaining access and the repeated attempts that it had made to reach a negotiated agreement to organise works to the property.

The regulator's findings

The regulator considered the case as a potential breach of the Home Standard, and specifically the regulatory requirement to 'meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes'.

The regulator has found evidence of failure to adhere to the Gas Safety Regulations 1998 which state that gas safety checks should be undertaken annually by a gas safe engineer. The necessary inspection did not take place for a period of over two years. We recognise that there were access difficulties in this case, but Gallions did not seek legal resolution to



the issue until two years after the previous gas safety check was completed. We have concluded that there has been a breach of the Home Standard.

The delay in seeking a legal resolution led to the tenant and his neighbours being exposed to the potential dangers of an unserviced gas boiler for an unnecessarily long period of time. The potential harm resulting from a faulty gas appliance, such as escape of carbon monoxide or an explosion is well-known and meets the threshold for serious harm. Hence, in this case we have concluded that the serious detriment test has been met.

Action taken

Section 198A of the Housing Act 2008 (as amended) states that regulatory and enforcement powers may be used if the regulator thinks that a standard has been failed and there are 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).

In this case, while there was a breach of the standard, no harm actually occurred. Gallions has now serviced the gas boiler and overall compliance with gas safety requirements is satisfactory and does not raise concerns of a systemic failure which might affect other tenants.

As a result of this case, Gallions has streamlined its procedures for gaining access to properties. It will now apply to court for injunctions for access to carry out gas safety checks within an appropriate time period. The provider has also strengthened the way it reports information regarding gas safety to the board, making clear the actions being taken on cases of gas safety checks that are 30 days overdue.

As there is no evidence that further action is now required to prevent serious harm we do not have the powers to take enforcement action in relation to that breach of the Home Standard (a consumer standard). However, we have concluded that this case raises governance concerns about the board's oversight of this matter. We are in the process of following-up these concerns

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