



Homes &
Communities
Agency

The Social Housing Regulator

June 2017

HCA Regulatory Notice

Registered Provider

Creative Support Limited (Creative Support) (4689)

Regulatory Finding

The regulator has concluded that:

- a) Creative Support has failed to meet the Home standard; and
- b) as a consequence of this breach, there was the potential for serious detriment to Creative Support's tenants.

The regulator continues to consider what further action should be taken, including whether to exercise any of its powers.

The Case

Creative Support is the landlord for around 500 units in over 80 properties with gas fittings, as part of its wider care and support business. As a registered provider, Creative Support is required to comply with the consumer standards.

The regulator learned that a significant proportion of the properties with gas fittings had not had a valid gas safety certificate for at least some time between January 2016 and March 2017. Creative Support did not inform the regulator of this. Most of the certificates had been overdue for a relatively short period. Ineffective

systems had caused a failure to schedule and book inspections in a timely manner.

Creative Support has reviewed its gas safety policies, introduced additional control measures and enhanced gas reporting to its Board. It has also programmed two external audits to provide further assurance of its management of gas safety.

The Regulator's Findings

The regulator has considered the case as a potential breach of part 1.2 (b) of the Home standard, which requires registered providers to 'meet all applicable statutory requirements that provide for the health and safety of occupants in their homes'.

The Gas Safety (Installation and Use) Regulations 1998 requires that an annual gas safety check is carried out on each gas appliance and a record of the check is kept for at least two years. Although the certificates were typically overdue for a relatively short period of time, the number of homes affected was high, and represented a significant proportion of Creative Support's stock with gas fittings. Further, this had been caused by inadequate policies and systems. This is evidence of a breach of the statutory obligation to carry out gas servicing and thus of the Home standard. Creative Support did not report this to the regulator in a timely way once it came to light internally.

Notwithstanding the actions Creative Support has taken, and is now taking, the regulator has determined that it is proportionate and reasonable to conclude that Creative Support has failed to meet the Home standard.

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).

Having noted the relatively short duration of most absences but considered the number and proportion of properties affected and the potential risk to tenants (including vulnerable tenants) arising from failing to ensure gas appliances are safe, the regulator has concluded that the breach of the Home standard exposed tenants to the risk of serious harm.

Creative Support has provided assurance that all the properties it owns now have up-to-date gas safety certificates and is in the process of implementing actions arising from its internal investigation. The regulator will work with Creative Support as it addresses 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.

The regulator will also consider the implications of this matter on Creative Support's compliance with the governance element with the regulator's Governance and Financial Viability standard.