



Homes &  
Communities  
Agency

The Social Housing Regulator

## HCA REGULATORY NOTICE

### Registered Provider

Tower Hamlets Community Housing Limited (THCH) (L4260)

### Regulatory findings

The Regulator has concluded that

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

### The case

THCH has a statutory duty under the Regulatory Reform (Fire Safety) Order 2005 to identify and assess the risk of fire in properties where it has responsibility for maintenance. Having identified the hazards and people at risk, it has a duty to take precautions to prevent the risk of fire.

In May 2016 THCH reported to the Regulator that it had potentially breached its statutory duty to take precautions as it had failed to implement a large number of very high and high risk actions arising from Fire Risk Assessments. THCH told the Regulator that there were several hundred actions categorised as either very high or high risk, relating to hundreds of properties, and that in a number of cases, these actions had been outstanding for periods of more than two years. THCH said that tenants had been put at risk from the failure to complete the outstanding actions but told the Regulator that there had been no injuries as a result.

The issue appears to have occurred due to performance and reporting issues within THCH. THCH has provided assurance that it is progressing the outstanding actions and that it expects the very high and high risk actions to be completed by the end of October 2016. A health and safety consultant has also been engaged to help THCH strengthen its approach to health and safety and to develop a reporting and monitoring framework.

## **The Regulator's findings**

The Regulator considered the case as a potential breach of part 1.2 of the Home standard which requires registered providers to meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes. The Regulator concluded that having identified the hazards and people at risk, THCH had not met the statutory duty to take precautions to prevent the risk of fire and so had breached the Home standard.

In light of the evidence provided and having noted the self-identification and reporting to the Regulator, the Regulator has determined that it is proportionate to conclude that the failure to implement a large number of very high and high risk actions for a long period of time constitutes a breach of the Home Standard.

Fire is self-evidently important because of the potentially fatal consequences. In this case, the Regulator has concluded that the risk of serious harm is demonstrated because a large number of tenants had been exposed to an increased risk of danger from fire over a long period of time. Therefore the serious detriment threshold has been met.

In summary, taking all these matters into account, the Regulator has concluded that there has been a breach of the Home Standard which had the potential to cause serious detriment to THCH's tenants.

## **Next Steps**

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 and the Regulator thinks that there are reasonable grounds to suspect that the failure has resulted in a serious detriment to the registered 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 registered provider's tenants or potential tenants.

In March 2016 the Regulator published a regulatory judgement setting out our assessment of THCH's compliance with the Governance & Financial Viability standard. The Regulator had identified weaknesses in THCH's governance and concluded that THCH should be graded as G3. THCH is working with the Regulator to address the identified weaknesses in its governance. The Regulator has reconsidered THCH's governance grading in light of this breach of the Home standard, and has concluded that the current G3 grading remains appropriate. THCH has developed and is implementing a recovery plan to remedy issues relating to its governance, and this includes a plan to remedy the failures which led to the breach of the Home standard. The Regulator will consider, in the light of performance against the recovery plan what, if any, further action to take in relation to the breach of the Home standard.

September 2016