



Regulator of  
Social Housing

## Regulatory Notice April 2022

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### Registered Provider

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London Borough of Ealing  
Registration number: 00AJ

### Regulatory Finding

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The regulator has concluded that:

- a) London Borough of Ealing (LB Ealing) 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 LB Ealing's tenants.

The regulator will work with LB Ealing as it seeks to remedy this breach.

### The Case

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As a registered provider, LB Ealing 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 tenants in their homes.

Following a self-referral, the regulator has concluded that LB Ealing does not have assurance that it has complied with statutory health and safety requirements across a range of areas namely fire, gas, electrical, asbestos

and water safety. Internal audits completed in 2021-22 concluded no assurance for fire safety, and limited assurance across other areas.

In respect of fire safety<sup>1</sup>, LB Ealing has a statutory duty to regularly assess the risk of fire and to take precautions to prevent the risk of fire. The fire safety audit found that LB Ealing did not have effective controls in place in relation to its responsibilities for fire safety. At the time of the audit, a significant number of Council properties were recorded as not having an in-date Fire Risk Assessment (FRA) and there was no process to record and track FRA remedial actions. While LB Ealing has improved the position with respect to FRAs, it is now in the process of validating its fire safety data in order to provide assurance that all properties requiring an FRA have one in place and remedial works are being appropriately monitored and completed.

Alongside specific statutory duties in relation to gas, electrical, asbestos and water safety, LB Ealing also has a duty under the Health and Safety at Work Act 1974 to conduct its undertakings in such a way that third parties (including tenants) are not exposed to risks to their health and safety. The internal audit identified failings across these areas of health and safety compliance, including that there was no evidence of monitoring of remedial works in relation to electrical, asbestos and water safety. During our engagement LB Ealing was unable to provide complete assurance on data accuracy for health and safety.

Taking all this information into account, the regulator has concluded that LB Ealing has breached the Home Standard, and that, as a consequence, there was the potential for serious detriment to tenants.

Since identifying these issues, LB Ealing has begun a recovery programme, including data validation work and implementation of a new housing management system. LB Ealing is also working with external consultants to strengthen its systems and processes and return to compliance.

## 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 LB Ealing did not have an effective system in place to allow it to meet its statutory health and safety responsibilities across a range of areas, and to demonstrate that it was compliant across these areas.

Complying with statutory health and safety requirements is a fundamental responsibility of all registered providers because of the potential for serious harm to tenants. LB Ealing has demonstrated to the regulator that it

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<sup>1</sup> Regulatory Reform (Fire Safety) Order 2005

understands the work it needs to undertake to ensure it meets these requirements. However, taking into account the seriousness of the issues, the durations for which tenants were exposed to risk, and the number of tenants potentially affected, the regulator has concluded that the Council 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).

As LB Ealing is putting in place a programme to rectify these failings and assured the regulator that it fully understands the work that is needed to rectify these failures, we will not take enforcement action at this stage. 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.