

**Myatts Field North
Residents Association
PFI Monitoring Board**



Health and Safety Concerns on the Myatts Field North estate under the Private Finance Initiative

Authored by

**Dr Stuart Hodgkinson and Chris Essen
School of Geography, University of Leeds**

**Uzoamaka Okafor, Chair of Myatts Field North
Residents Association and PFI Monitoring Board (RAMB)**

Jeanne Cornillon, Treasurer of RAMB

Stephen Hack, Publicity Officer of RAMB

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Contents

1.	Introduction and summary of concerns.....	3
1.1.	Background	3
1.2.	Main concerns.....	4
2.	Fire safety concerns	5
2.1.	Electrical faults and poor workmanship.....	5
2.2.	Water leaks and floods.....	6
2.3.	Evacuation and emergency service access.....	8
2.4.	Whistle blower allegations.....	9
3.	Gas safety concerns	11
4.	Health, safety and wellbeing risks to disabled and vulnerable residents	12
4.1.	Example A.....	12
4.2.	Example B.....	17
4.3.	Implications for disabled residents	19
4.4.	Other examples affecting disabled and vulnerable residents.....	19
5.	Poor Construction Standards and Design Faults that Risk Health and Injury	20
5.1.	Design defects on sites 13, 15 and 16c	20
5.1.1.	Faulty roof pod copings.....	20
5.1.2.	Roof Pod Leaks and Stagnant Pooling Water.....	20
5.1.3.	Roof top Planters	21
5.1.4.	Burst Riser Ducts	22
5.1.5.	Faulty bannisters and hand railings	22
5.2.	Ongoing concerns about the new Heating and Hot Water System	22
6.	General health and safety concerns	25
6.1.	Out of hours service	25
6.2.	Raw sewage and blocked toilets	26
6.3.	Asbestos	26
6.4.	Unsupervised and inexperienced workers.....	26
6.5.	Pest Control.....	27
6.6.	Traffic, road safety and pedestrian access.....	28
6.7.	Unsafe mechanical work	28
6.8.	Dangerous walkways.....	29
6.9.	External lighting and CCTV failures	29
6.10.	Whistle blower allegations.....	30
7.	Weaknesses of Health and Safety Compliance Monitoring	31
7.1.	Contractual obligations	31
7.2.	Contract compliance monitoring	31
7.3.	Whistle blower allegations.....	31
7.4.	Conclusions	32

1. Introduction and summary of concerns

1.1. Background

This report sets out evidence of serious health and safety breaches and ongoing concerns about health and safety risk management arising from the regeneration scheme on the Myatts Field North housing estate in Lambeth. These concerns include allegations made by a former employee of Rydon, one of the private contractors working on the estate.

The report has been co-authored by Uzoamaka Okafor, Chair of the Myatts Field North Residents Association and PFI Monitoring Board (the MFN-RAMB), Jeanne Cornillion, RAMB Treasurer, Steve Hack, RAMB Publicity Officer, and Dr Stuart Hodgkinson and Chris Essen, housing researchers at the School of Geography, University of Leeds.

The MFN-RAMB is the official residents' representative body for Myatts Field North estate and was constituted in March 2013. Myatts Field North is a council housing estate sited one mile north east of Brixton Town. In 2004 the estate was accepted on to the Labour government's Private Finance Initiative (PFI) programme for council housing regeneration. Dr Stuart Hodgkinson and Chris Essen are undertaking an independent study of housing PFI schemes in England funded by the Economic and Social Research Council (ESRC).

The Myatts Field North PFI scheme started in May 2012 when the London Borough of Lambeth entered into a 25 year contract with the private sector consortium **Regenter Myatts Field North Ltd**. This is a joint venture between **John Laing PLC** and **Pinnacle Regeneration Group**. **Regenter** is the main contractor and acts as Lambeth's managing agent for the Myatts Field North estate. It is also the 'client' under the Construction (Design and Management) Regulations 2007 making it responsible for ensuring all health and safety obligations are enforced. The following sub-contractors are responsible for key parts of the contract:

- **Pinnacle PSG** manages the homes and environment and provides housing services;
- **Rydon Maintenance Ltd** is responsible for the major refurbishment and maintenance of council homes;
- **Higgins Construction PLC** is building new housing and facilities;
- **E.ON** is providing energy through a combined heat and power plant

Together, these contractors are currently undertaking a £150 million investment on the estate incorporating the demolition of 305 homes, the development of 808 new homes in multi-storey blocks, the refurbishment of 172 homes, the building of a new community centre and the creation of a new Combined Heat and Power Plant (CHP) to provide hot water, central heating and electricity to homes.

Since the PFI scheme began, residents have been raising a large number of health and safety concerns to both Lambeth and Regenter and its sub-contractors. Many of these concerns are serious and some are perceived to have been potentially life threatening. Whilst some have been or are being dealt with, others have not, and with new complaints and incidents continuing to arise, we believe there is a systemic failure of health and safety risk management and compliance on the Myatts Field North estate under Regenter's control.

The health and safety concerns presented in this report have been collated from the following sources:

- Email and telephone communications by individual residents to the MFN-RAMB;
- Formal complaints made by residents and the MFN-RAMB to Regenter and Lambeth;
- A survey of 14 households whose homes have been refurbished by Regenter of which more than 55% reported health and safety concerns in relation to the refurbishments. This survey was carried out between November 2012 and June 2013 and a report on the findings was presented to Lambeth and Regenter in February 2014. It can be downloaded from <https://goo.gl/g3ZrCk>;
- A number of formal and informal interviews with residents between August 2012 and present;
- A dossier of allegations provided by a former Rydon employee turned whistle blower who wrote to us in April 2014 to express serious concerns for the ongoing health and safety of both residents and employees working on the estate.

It is important to note that this report has been assembled at relatively short notice and is designed to set out the main concerns and examples to date, **some of which may have been already addressed over the past two years. However, many of the same issues are recurring and some are ongoing.** The full set of health and safety issues and evidence is still being collated and will be made available when ready.

1.2. Main concerns

This reports details the following main concerns and breaches of health and safety:

- Fire safety has not been adequately risk assessed, managed or implemented during the construction, demolition and refurbishment works. Residents have been put at risk of electrical fires and electrocution from faulty wiring and water leaks and floods, and from faulty lifts and site accessibility flaws for evacuation and emergency services;
- Gas safety has recently been compromised in one example that again suggests the risks of gas leaks are not taken seriously by Regenter and its sub-contractors;
- Health, safety and well-being of vulnerable and disabled residents has been grossly compromised in several cases;
- Poor design, construction and refurbishment standards – mysteriously certified as meeting availability and legal standards – have led to several near-miss incidents and pose longer-term risks to residents;
- General health and safety concerns about sewage, dust, noise, asbestos, traffic, pests and the malfunctioning Out of Hours Emergency Service.

That so much of the works have been done to such poor standards as detailed in this report and in the previous RAMB / University of Leeds Refurbishment Report suggests that there is a systemic problem of performance and compliance monitoring of the Myatts Field North PFI contract by Regenter, its sub-contractors, and the Independent Certifier. **The experiences contained in this report provide further evidence that an urgent, high level intervention is needed to sort out the management of the regeneration scheme because lives are being put at risk.**

2. Fire safety concerns

2.1. Electrical faults and poor workmanship

Based on our survey of 14 residents whose homes had been refurbished by Rydon, a number of worrying concerns were raised about electrical works and included:

- faulty electrical sockets and wiring including sparking sockets;
- fuse boxes which kept tripping;
- the consistent failure to position electrical sockets to best meet the needs of residents;
- continuous problems with the E.ON Heat Interface Unit;
- overheating panels on the new induction cookers;
- loose hanging electricity cables.

In some cases, faulty workmanship had led to very dangerous situations including:

- Loss of all electrical power to one resident's home after the refurbishment had been completed and certified as complete. The resident had to call out EDF who were shocked by the standard of workmanship with high voltage cables hanging loose. EDF classed it as an emergency situation that had to be resolved immediately;
- Removal of a plug socket in a resident's garage that had a safety breaker inside to ensure any overloading would only cut off the electricity to the garage, not to the whole house. This was replaced with a new plug socket without a safety breaker and was then connected to the same circuit as the power supply unit for the new E.ON boiler. As a result, using electricity in the garage could now trip the fuse box and switch the boiler off;
- A resident returning home to find the EDF electricity meter hanging off the wall with the EDF seal (that prevents theft of electricity) broken. Yet the electricians had signed off the work;
- Newly installed cookers that had faulty wiring, leading to situations where turning on the cooker switched the electric sockets downstairs, or where turning on the oven switched the electric hob off and vice versa;
- One resident who is diabetic came home on a Friday to find the electricity wasn't working in her home and was left without power until the following Monday. The main fuse box was faulty and a cable was not attached. The same resident reported that a light switch in the garage began sparking with blue light coming through the plastic casing that was also moving;
- One resident reported that the new E.ON Heat Interface Units had *"pink foam coming off the electric wiring"*, while another reported that *"the heating unit was shaking so I ran out of my house in panic, I thought the whole thing was going to explode"*;
- One resident is still not able to use their oven because they are afraid they going to set fire to their house as the panels next to it are getting red hot.

Subsequent to this survey, more residents from both refurbished and new build homes have reported faulty electrics.

- One resident in Fountain Place reported that the electricity rewiring undertaken during the refurbishment works is so faulty that it needs to be done again in its entirety.

Several residents with building trade experience believe that some of the electricians employed by Rydon and Higgins sub-contractors are not qualified and are not being adequately supervised with apprentices working alone. Lack of appropriate supervision of the delivery of the contracted works and services has been an ongoing major concern for the MFN RAMB and community members.

2.2. Water leaks and floods

There have been a significant number of residents experiencing water leaks and major floods in both newly refurbished homes and newly built apartments. Such incidents not only pose health and safety hazards such as slipping over, ceiling collapses, sewage contamination and damp and mould, but also more immediate risks of electrocution and electrical fire.

7 out of 14 residents surveyed whose homes had been refurbished by Rydon reported water leaks, and 5 out of 14 residents reported they had experienced floods with significant flood damage in some homes during and after the refurbishment took place. Examples included:

- Flooding in one home caused by an unsupervised apprentice plumber;
- Flooding in the bathroom caused by a poorly designed shower;
- A leaking toilet pipe, 2 leaking sinks and water leaking through the ceiling which took weeks and repeated visits to fix;
- Damage to a water valve during the replacement of a bath that caused water to leak into the neighbouring flat underneath which caused a wet ceiling and a loss of electricity;
- A leaking shower that caused damage to the ceiling underneath;
- A leaking pipe that ruined a cupboard and led to no running water for two days;
- A leak in a coat cupboard that damaged toys and coats;
- A bathroom leak that was repaired but started again with water pouring through the ceiling;
- A bathroom leak causing water seepage into the downstairs front room;
- Water seepage through a ceiling that was eventually linked to a leaking boiler;
- Flooding of downstairs toilet on 2 separate occasions;
- A washing machine caused a flood because the workers had plumbed it wrongly;
- A flood that spread from an upstairs flat to the home underneath was caused by a worker accidentally cutting through a water pipe during refurbishment works.

We have had numerous reports of roofing works supposedly completed on refurbished properties that continue to have leaks e.g. leaking water from gutter joints.

One particular story exemplifies the kind of situation residents have faced:

A flood began in one home during a weekend after refurbishment works had taken place, and spread to a neighbouring home. Regenter sent a plumber who said the leak would be

fixed on Monday. The leak continued and became worse, and Regenter then sent another operative to pump out the water as it was gushing out of the pipes. Then more operatives came at 9.30 at night and didn't stop pumping out the water until 1am at night. They wanted to do repair work at night but due to children sleeping the resident told them to return the next morning. The resident took the day off work on the Monday to allow plumbers to attend, and although lots of different workers came to look at the problem, they kept saying they didn't know where the water was coming from.

Another resident whose home had been refurbished reported that a water leak that had been present in their home pre-refurbishment was not repaired by the refurbishment works. This means that the property had been falsely certified as meeting the contractual availability standards. The resident explained:

...when you take a shower the water comes flooding down like it is raining.

The following examples demonstrate that similar problems have been experienced by residents of the new build homes on the estate.

- A flood on a first floor landing from the flat above;
- Another flood from an upstairs flat that caused water damage to the walls;
- One resident who moved into a new build flat told us that when their pipe burst “*it was like a fountain shoulder high, a river flooding from the houses*”;
- Many residents are reporting that leaks from sinks and toilets are caused by pipes that have been blocked by materials left inside by the workers.

Worryingly, leaking toilets are a common problem:

- In a 4 bed home on Mostyn Road, the toilet overflowed and ruined some of the resident’s belongings. It was discovered that the overflow was caused by material inside the pipe that had been left by a worker. The workers had to remove part of the floor as they didn’t know where the leak came from initially.

As we discuss in section 5, there is a known design fault for all of the new build properties with roof pods, with particular ramifications for new flats on Ackerman Road and Fitzpatrick Road. The fault is causing parts of the roof to fall off and water to leak through the roof. Residents have also reported leaks from the new roof gardens. The following examples are of burst and leaking pipes in the new build blocks on Fitzpatrick Road:

- A burst pipe in the family's utility room caused serious flooding and damage within the home and to the flat underneath. The cause was a poorly fitted pipe. The plumber who came to fix the pipe took a bracket that was holding the pipe elsewhere to secure the pipe where it burst, meaning that there was now a weakness in an another area.
- One resident reported coming home to find a leak from the pipes supplying water to the kitchen sink taps. Luckily he came home before serious damage could occur with just his kitchen floor waterlogged.

- A resident came home to find water gushing from the light/electrical fittings and her carpets and floor were waterlogged.
- In December 2013, there was a major incident at 9 Fitzpatrick Rd caused by a burst mains water pipe located in the service area. The Fire Brigade was called but was unable to locate the stop cock or main water system turn off that is usually in the road. Eventually they attached their hose to the affected pipe to direct the water into the drains.

Worryingly, comments made to RAMB members by contractors who have attended to water leaks and floods suggest that residents who have moved into new properties have not been shown where all the vital water stoppage areas are i.e. emergency stop valve, hot water valve, secondary heating, etc. This presents a major risk that flooding and the serious consequences that stem from it will not be prevented. One of the subcontractors referred to the lack of knowledge as being a *“time bomb if people do not know where the points are and what to do”*. Not all of the water pipes and stops are labelled in the new builds.

Leaks and floods have also affected homes that are due to be demolished in the future.

- In one case on Crawshay Court, the resident repeatedly informed Lambeth and Regenter of water continuing to drip through the bedroom ceiling, which was not only ruining the ceiling, the bedding and mattress, but it was coming out of the bedroom lighting which had been making the light sizzle until it eventually popped, leaving the room in darkness. The water was also coming through and out of the electric junction box.

2.3. Evacuation and emergency service access

The RAMB has repeatedly raised concerns with Lambeth, Regenter and its sub-contractors at different times during the past two years about restricted access for emergency services. These concerns include:

- contractor vehicles, road closures and other physical obstacles caused by the redevelopment works preventing access for fire crews and ambulances to people’s homes;
- the changing of postcodes and addresses on the estate which during the transition meant that emergency services were not able to locate some people when they called 999
- difficulties of finding addresses caused by poor signage;
- intercom systems to flats not working, making it difficult to access blocks and homes if someone is trapped or unable to get out;
- the emergency out of hours and warden service is not working very well, meaning that people could be trapped in lifts and no one would respond;

There have been at least two serious incidents involving emergency service access to the estate.

- At the December 2013 water leak incident in Fitzpatrick Road, the Fire Brigade told a RAMB member that they had problems locating the address and had to seek directions from residents. They also said that if it had actually been a fire, there would have been a serious problem as they could not locate a fire hydrant;

- On the evening of 6 February 2013, a fire broke out at no.17 Eythorne Road. The Fire Brigade was called but the first fire truck was too large to access Eythorne Road. A smaller fire truck had to be called. Fortunately, no one was home and the fire was contained, but the incident revealed problems of access for emergency services.

There are particular concerns about evacuation and emergency service access for households with disabled residents on Lennox Road.

Example 1

In August 2013, a second stage complaint was made by a resident of 10 Lennox Road whose household included a person who was picked up and dropped off by an ambulance every day so they could attend a day centre. The complaint was about the absence of double yellow lines from her house to Elliot Road that was leading to car parking on either side of the road, blocking ambulances, minibuses or fire engines accessing the property. The situation also meant that the day centre ambulance could not come close enough to the house for the person to walk to it and they were thus not attending the centre and in danger of losing their place.

Example 2

A severely disabled resident cared for by his mother has been moved to a new build home in Lennox Road. If the disabled resident is upstairs at the time of a fire, there is no fire escape route. The only means of moving this person downstairs is by a specially fitted lift that will automatically not work if there is a fire. The resident told us:

"I am panicky about the fire safety.... Maybe the fire brigade could help me by coming to do an assessment. I've been told not to think about a fire happening but my thoughts are about being preventative and being prepared... I worry about how to get him downstairs if there is a fire. I cannot carry him down. I am so worried about how our safety is to be managed."

Worryingly, these justified concerns about safety in the event of a fire appear to have been repeatedly ignored. If the home had been part of a multiple occupancy building, or a sheltered housing facility, then stricter legal requirements would have been adhered to by Lambeth, such as ensuring that a realistic Personal Emergency Evacuation Plan (PEEP) was put in place. However, the absence of specific regulatory guidance for domestic lifts means that the present situation remains within Lambeth's more general duty of care for ensuring the needs of a disabled resident are appropriately met. At the very least, residents should be given a clear and realistic idea of how to evacuate their homes.

2.4. Whistle blower allegations

These fire safety concerns are accentuated by allegations made by a former Rydon employee. This person alleges the following:

1. That no Fire Risk Assessments have been carried out in relation to either council owned properties that have been refurbished by Rydon or new mixed-tenure properties that are being constructed by Higgins.

2. That after a London Fire Brigade officer told [redacted] a Technical Manager for Rydon, that Fire Risk Assessments ought to be produced before any of the refurbished properties were judged to have been completed and handed over to the client (presumably so as to comply with the Regulatory Reform (Fire Safety) Order 2005), Rydon's Divisional Manager [redacted], wilfully prevented these Fire Risk Assessments from being carried out because of the costs involved.
3. That when he had occasion to join [redacted – Rydon Technical Manager] in inspecting one of the blocks, prior to its hand-over in 2013, he noticed that there was a “*service duct*” at the back of a “*services riser*” in one of the HMO communal areas, which he himself advised [redacted] should be fire-stopped at each floor level so as to prevent it from becoming an avenue along which fire could spread throughout the building. He does not know if [redacted] attempted to action this concern but does not believe that anything has been done to address it.
4. That there are, as far he knows, no appropriate certificates proving that any of the communal emergency lighting has been subjected to a standard “3 hour drain-down” test that he believes should take place before properties are handed over to the client.
5. That smoke alarms are not being routinely tested as required.

Once again, these allegations if true raise serious concerns as to the validity of independent certification process that is supposed to ensure contract compliance.

Fire risks on other Rydon PFI contracts:

The whistle blower has also been party to internal safety concerns in relation to the way Rydon has been operating in other PFI housing areas across London.

6. **Partners for Islington PFI** - he claims to have been told by a concerned colleague that important electrical works that should have occurred 1 ½ years ago are only recently been rushed through so as to avoid any financial penalties after it emerged that the local authority may be close to discovering these have not happened.
7. **Canning Town PFI in Newham** – he claims that supervisors have been sitting on their concerns about senior Rydon staff not having seemed to take shortfalls in compliance seriously enough. He thinks that actions identified as being necessary in a 2012 Fire Risk Assessments, for example, have not been carried out.
8. **Brockley PFI in Lewisham estate** – he claims a fire at a house managed under the PFI scheme occurred after a Fire Risk Assessment had identified remedial actions as necessary, but which were not then subsequently carried out by Rydon. Following this fire, he alleges that Rydon employees have been collating information in order to try to protect Rydon (as purchasers of Equipe Regeneration) from negative exposure during a London Fire Brigade investigation.

3. Gas safety concerns

It is reassuring to note that there have been very few gas safety issues or concerns as part of the Myatts Field North regeneration scheme to date. One possible factor is that the gas supply is being progressively removed from residents' homes as part of the new electric only heat and power system for the estate. However, there has been one extremely worrying incident during 2014 that has been the subject of an official complaint:

Towards the end of February 2014, a resident of Fairbairn Green visited the Pinnacle Housing Office to inform the Housing Manager, [redacted], that she thought she could smell gas in her home. Despite this urgent matter, the Housing Manager did not provide any advice or support. On the 13 March 2014, a gas engineer visited her home as part of the annual service check where a gas leak was confirmed and reported to Rydon on the same day for authorisation of a new gas pipe run. For some reason, it took another week for the repair to be authorised and implemented, leaving the resident without basic amenities of gas, hot water and heating for that entire period.

On 23 April 2014, the resident made a Stage 1 Complaint to Lambeth Corporate Complaints department about the failure of Pinnacle Housing management and Rydon maintenance to respond appropriately to the gas leak at a resident's home. The reason for making the complaint to Lambeth, and not Regenter, was because part of the complaint focused on a Pinnacle employee who would be handling the complaint, which was a conflict of interest.

On 28 May 2014, after no response had been received to the original complaint, the Residents Association this time contacted the Lambeth housing PFI team, Lambeth Ward Councillors and the Lambeth Corporate Complaints department to request an urgent response. The original complaint was immediately forwarded to Regenter and Pinnacle by the Lambeth housing PFI team. It appears that the Lambeth Corporate Complaints department did not do anything with the original complaint.

The infrequency of gas safety concerns on the Myatts Field North estate is welcome, but the above incident demonstrates that when there is a gas safety incident, the response by Regenter and its sub-contractors is woefully inadequate and endangers lives. In addition, the failure of Lambeth to ensure that the complaint was sent to the right people or investigated again shows a systemic problem at play.

4. Health, safety and wellbeing risks to disabled and vulnerable residents

Arguably the most traumatic experiences of residents on the Myatts Field North estate have been felt by households with disabled residents who have been forced to move from their existing adapted council homes to newly built homes on the estate. These new homes have been built on two sites by Regenter's sub-contractor, Higgins. From the outset, these residents have experienced appalling infringements of their tenancy rights, disability rights and human rights which have serious health, safety and well-being implications. The following are two prominent examples that have been anonymised as far as possible.

4.1. Example A

Prior to the regeneration scheme commencing, this household had lived in a specially adapted single-storey bungalow on MFN estate for 33 years to enable the single parent ('F') now in her late 60s to perform full-time, 24 hour care for the eldest son ('M'). M is a 46 year old man with profound and multiple learning disabilities, numerous physical disabilities and complex health challenges such as asthma, which once contributed to him developing a chest infection so serious that part of his lung had to be removed. In combination, these factors all mean that M is completely dependent upon the 24 hour care of his mother, F, for carrying out all of his daily living tasks, like feeding, changing and bathing him (he is doubly incontinent). She is also responsible for maintaining a safe home environment that takes into account M's particular needs and sensitivities. F's youngest son ('L'), had continued to live with them (along with her grandson, at times), offering assistance and respite care for his mother.

After the PFI scheme began in May 2012, the family learned that their bungalow would be demolished and they would have to move into a newly built home on the estate. The family didn't want to move from the bungalow, especially not into a house. The disability adaptations were old but in working order and serviced regularly. The family asked about moving into a different bungalow on the estate but were told that none would be available until 2015. They were instead offered the option of moving into temporary accommodation off the estate for an 18 month period while the bungalows were being constructed. This accommodation did not suit M's complex needs so had to be rejected. An occupational therapist (OT) came to assess M's needs, 4 months prior to them moving, but F has no recollection or written evidence that she received a copy of this OT assessment. F recalls clearly requesting places for a dishwasher, fridge-freezer, washing machine and tumble dryer. The final two being particularly important because M is doubly incontinent, meaning F has to regularly wash large amounts of bedding and clothing.

F and M moved into their new home in April 2013, a 3-bedroom house on two-storeys with a through floor lift fitted so that M can travel between floors. It has slightly bigger rooms but does not have the garage that their previous home did (although there is a car port). The family was declined a four bedroom property to accommodate their existing family circumstances, including the assistance that the youngest son gave his mother in caring for M. The youngest son, L, was forced to leave the family home and be rehoused separately because Lambeth decided that the displaced household does not qualify for the same sized home as before. This means that L is no longer able to offer his mother

the same level of assistance with her caring role than before the move. The RAMB were contacted by F soon after her decant, because she was finding that there were significant problems with the new home.

Key details from during decant
<ul style="list-style-type: none"> F was only able to view their 'finished' new home, with a Lambeth Decant Officer, 3 days prior to moving in. This meant she had no real opportunity to identify whether the adaptations made for M were suitable or not. F was initially offered help with packing and moving into the new home. She decided not to take up this offer, since she felt that her family and friends would be able to cope with the move. However, when her moving day finally came she felt rushed, stressed and under pressure to return her bungalow keys. This meant that she had to leave some things behind, such as her wardrobes and a relatively new fridge-freezer (which was too big for the new house anyway).
Key details from immediately after decant
<ul style="list-style-type: none"> the lift was not working on the moving in day the lift was too small and the door was badly positioned, causing F back pain when manoeuvring M in his wheelchair (the door was eventually repositioned) the lift is designed not work if the fire alarms go off and as such there is no known emergency egress plan for M only 2 of the 3 requested hoists had been fitted and were inappropriate types, forcing F to put her health at risk using them neither of the 2 fitted hoists was actually working on moving in day no wheelchair ramps had been fitted to the entrance doors the upstairs toilet did not flush and the downstairs toilet flush soon broke there were cracks in the joints between the walls and the ceiling / floor and walls near to the staircase area there was unfinished painting to a small area of ceiling a shower head and hose had been fitted too high for F to reach, meaning she resorted to hand washing M (in the absence of the requested bath hoist) places were provided for a dishwasher, washing machine, fridge and freezer, but not a dryer (now in the wet-room) the downstairs wet-room was unsuitable for M the front door lock was not working for 2 weeks after moving in (F did not initially recognise this, but once the problem was identified it took 4 days for the situation to be rectified) some windows were difficult to open written information in the welcome pack was difficult for F to understand (English is not her first language) the heating system was difficult for F to operate, so they were without their required level of heating for about a month the hot water supply was found to be generally tepid upstairs but very hot downstairs, due to the temperature regulators fitted there was a period of intermittent problems with receiving any hot water supply at all (eventually rectified through a replacement part)

- not enough plug sockets were fitted, despite F having stated that these would be needed to accommodate the equipment she uses for M
- there were problems getting the phone line connected, because BT did not recognise the new address
- the grassed garden area was identified as a problem for M's hay fever, having the potential to aggravate his asthma
- the internal walls were built from 'hollow' plaster, meaning F was unable to confidently hang pictures, through fearing that she might have to pay for any holes made
- F had not received her home loss disturbance allowance six weeks after moving in, leaving her worried about the uncharacteristic debt that she was in.
- F received no assistance with navigating the changing welfare benefits system, despite being in a complicated financial situation as the main carer for M.
- F received a letter seeking claimed rent arrears for her previous property, which she says was unjustified.

Despite all of these problems being raised repeatedly with Lambeth and Regenter, F has encountered continued difficulty in getting issues to do with the aids and adaptations in her new home resolved, and has experienced further serious problems with the lift malfunctioning. Most pointedly, in early June 2013, F and M spent three nights sleeping on the lounge floor of their home over a weekend (M without his special profiling bed), because of the failure of Regenter and its associates to organise an immediate emergency repair to their broken lift.



The RAMB provided moral support and as much practical assistance as members were able, then later helped her to make an extensive formal complaint (12th July 2013). This included an outline of the following main issues:

- Regenter had failed to ensure that the lift was repaired as a priority, despite requests for the matter to be escalated to management level
- incorrect emergency repair telephone numbers were repeatedly supplied to F by Regenter staff, who were initially unwilling to make direct contact with the lift company themselves, so preventing a repair from being carried out on the first day of breakdown
- the several Regenter customer service operators who were contacted throughout the breakdown did not appear able to maintain continuity in either recording, recalling or understanding important details of what was going on
- the customer service operators involved did not seem to have been trained to appreciate the likely needs of a severely disabled resident and the seriousness of the situation
- a Resident Liaison Officer, who was eventually made aware of the situation, was found to be dismissive, insensitive and slow to prioritise the communication of important information between parties
- no management contact was made in the days immediately after the event, to apologise to F on behalf of Regenter for the distress caused
- while a 24 hour emergency lift call-out service was cited, it transpired that this was only provided as a discretionary service after 10pm
- while the lift included 12 months warranty, no information had been communicated about who would carry out similar repairs when the warranty has expired
- the lift does not work in the event of a fire and no alternative plan of escape had been discussed or provided by either Regenter or Lambeth
- other pre-existing issues, to do with the aids and adaptations within the home allocated, had still to be addressed 3 months after moving in
- the needs of this family did not appear to have been appropriately assessed and catered for with this house (the opportunity to move to a bungalow was requested)

Eventually, these deficiencies were recognised by Lambeth and Regenter and upon further investigation it was discovered that **the roof of the adapted house was not able to support any hoists and would have to be removed and replaced**. This meant that F and M had to move out of the house to make way for the extensive works on the ceiling and other outstanding work in October 2013. Regenter assessed the situation and estimated that the work would take 4 weeks. M was placed in hospital care during this period.

One week before F's return, the OT together with a RAMB officer went to check that the newly installed hoist in the bathroom installed was working. She could not ascertain this as the bathroom was full of furniture and other items, which could not be moved. On F's return, the following problems were noted:

- the motor for the bathroom hoist was not working
- the heating was not working
- the extension she requested for her tumble drier had not been done during that time
- the railings to the property were not secured

M returned from hospital with a swollen leg which was later revealed to be fracture. There were additional complications to M's health and he had to be readmitted to hospital to undergo another operation.

By December 2013, the following problems were still affecting the home:

- The hoist in the bathroom was still not fully operational as there was a missing part
- M had still not been bathed in his new home since April 2013, 8 months after moving in
- Due to M's hospitalisation, the family were at risk of losing their carer allowance and disability living allowance and their car as M was away for more than 28 consecutive days from his house during the works, even though the 4 weeks were needed by Regenter to carry out the works, and F took her statutory 3 weeks respite after this

By January 2014, the following problems were affecting the family:

- Rainwater was leaking into the outdoor shed that was used to store medical supplies for her son which need to be kept dry (e.g. 3 month's supply of large boxes of pads for her son who has complex needs);
- The hot tap in the bathroom (shower or bath) was intermittently running cold or hot. Once the warm water finally comes through it suddenly runs cold, which means that F had to empty her bath to run another bath and so on. This was happening all of the time and had been going on for 4 weeks now. When F contacted Regenter about this problem, someone from Rydon answered the call but thought it was for a leak and told her *"this has nothing to do with us, you need to call E.ON"*. She was also advised *"not to open the tap too much"* because it had something to do with the pressure but the same thing happens any time of the day and at whatever rate the water is running. This meant that M could again not have a warm shower in his own home.
- Boxes with parts from the hoist still needed to be collected with the old parts from the hoist.
- The hoist in the bedroom was still not working properly and needed to be repaired because it moved on its own without F being able to control it. Pressing the controls did not stop it and it carried on moving until his the wall. F feared that an accident would happen.

In March 2014, F reported that part of the heating panel on the bathroom ceiling came down on and was hazardously held by four screws on one side of the panel. F was very concerned as she was about to have a bath and questioned what could have happened if she or her severely disabled son were in the bathroom at the time.



F called the Out of Hours Emergency Repair service on 0800 085 1230 in the morning of 16.3.2014. The operator stated that her address was not on the system. At 11am an out of hours operator called and also stated the same information and asked if she paid rent in Lewisham. Another call to the Out of Hours service the next day led one of the operators to state that there had been a lot of confusion as many of the new build properties have not been registered on their system.

Eventually, it was acknowledged by Higgins on behalf of Regenter that the panel had been moved from its original position to accommodate OT requirements, but in so doing had been fitted incorrectly without adequate supports.

While the ongoing problems that have affected this family and their home are shocking, the root cause arguably stems from the original OT assessment carried out by Lambeth that failed to sufficiently capture all of the important detail needed for appropriately rehousing this family. Nor was the OT assessment communicated clearly enough to Regenter Consortium. In turn, Regenter and its various sub-contractors failed to respond appropriately to the information that was provided to them. Ultimately, Lambeth and Regenter failed to identify that the supposedly completed property was not going to be suitable for the family to live in, before they were decanted into it. This is an alarming breach of health and safety.

4.2. Example B

‘D’ is married to ‘B’ and they have lived on the Myatts Field North estate for 33 years. They have a daughter ‘V’. Both D and V are disabled, with mobility challenges. The family lived in a specially adapted bungalow, which was to be demolished as part of the PFI scheme. An occupational therapist came to assess the needs of D and V in preparation for the move. Cross hatching to the outside area of the new property was requested, so that specialist transport could collect V for her activities in the community. One week prior to moving in to their new home, the family were able to view the property with an OT, which ascertained that further adaptations were needed. This led to a week delay in moving in.

Key details from during decant
<ul style="list-style-type: none"> As the family were moving in, a Resident Liaison Officer who was supposed to be assisting them told them that she was running late and so only had 5 minutes to show them how to work the windows and doors. She apparently did not know how to use the heating system and had no time to explain the instructions provided in their welcome pack. A moved refrigerator caused immediate and unexpected electrical problems in the new home, necessitating the intervention of an electrician and its replacement by the family.
Key details from immediately after decant
<ul style="list-style-type: none"> The apparently hollow internal walls of the new home seemed unsuitable for supporting load bearing handrails of the type which would allow D to manoeuvre herself effectively. One handrail quickly came loose and a further one, in the bathroom, had been unsuitably positioned. The unsuitability of or lack of fitted handrails severely affected the usual mobility of D at home. She experienced two falls as a consequence of this problem and was forced to do most things in her wheelchair, making her dependent upon her husband for going to the toilet etc. Cross hatching had not been painted outside of the house, to prevent other residents and contractors from parking there. This meant that it was impossible for a transport service to safely collect V and take her to the day-centre she regularly attended. Action to rectify this was promised by Regenter (13th May 2013).

- An internal through-floor lift appeared to be unreliable during the first week of use and then broke down.
- No space had been provided for a dishwasher.
- The downstairs lights failed, leaving them unusable for two days. When D initially phoned the Regenter emergency contact number to inform them about this problem she was told that the house was still under a Higgins guarantee, so the emergency repair service could not fix the problem. A Lambeth Decant Officer was eventually able to intervene and secure a temporary repair, before a permanent solution was applied.
- The instructions supplied in the welcome pack were found to be too difficult to understand, with nobody from Pinnacle or Higgins seemingly able to help with getting the heating system to work, leaving the household without adequate heat for two weeks. E.ON was finally able to assist.
- There was a delay in the household being able to connect the telephone land-line with BT, meaning that they ran up large mobile phone bills while trying to get their other problems addressed (particularly the heating not working).
- The temperature of bath water was found to be around 40°C. This appeared contrary to the information that D said she received from E.ON, that hot water should be above 55°C to prevent legionella.
- D was still waiting to have disturbance costs credited to her bank account, despite having supplied receipts.
- D told us that she had *“lost all my mobility since moving here. I cannot even take myself to the toilet, bed or shower. My husband has to take me. My mobility has come downhill.”*

D encountered continued difficulty in getting these issues resolved, in particular the problems with disability adaptations (or lack of).

- While the cross hatching directly in front of the house had finally been painted, a double line from the house to the main road was still needed, so that larger vehicles such as ambulances, minibuses or fire engines could gain access to the property without encountering obstructions from other parked vehicles.
- Day-centre transport provision had not been able to access the property to within a distance which was safe enough to allow V to use it. This meant V had been unable to attend the centre since moving in and was at risk of losing her place there.
- Despite an OT assessment which had identified the need for handrails upstairs and downstairs in the property, there remained problems with those that had been fitted downstairs and a severe shortage of handrails upstairs, meaning that D was still unable to go to the toilet or shower unaided. This was causing great inconvenience to D and B.
- A main entrance door handle had stopped functioning correctly, meaning that D and V were now unable to open the door to their home unaided by B. A delivery driver had become stuck in the house because of this problem.

Again, there are very clear indications that the quite specific needs of this family were not appropriately responded to when rehousing them. Despite the decant process being delayed for a week, to allow the time for adaptations to be completed, they were moved into a property that did not seem to have been competed to an adequate standard. Of most

seriousness is the apparent inappropriateness of the internal building structure for supporting the kind of adaptations which were deemed necessary for D to retain her independence within the home. As a consequence, D is now effectively more disabled than she was in her previous home. Similarly, V has entered a situation of social exclusion, due to what seems like a lack of joined-up thinking when it came to understanding the likely access requirements of a severely disabled resident living in a particular geographical locality.

4.3. Implications for disabled residents

It is notable that both examples above have an almost identical set of issues. In both cases there have been instances of lifts breaking down, difficult heating systems, undesirable water temperatures, door handles not working and adaptations found to be either inappropriate or missing. Further, there is an evident pattern of Regenter Consortium failing to respond to these problems in a timely way and to the satisfaction of the tenants involved. It is also apparent from both cases that the welcome instructions provided by Regenter are inaccessible to many people, with even Regenter staff seemingly unable to operate the heating systems installed in homes. Information provided by E.ON about the temperature of hot water, for example, may have caused D unnecessary worries about legionella, when the hot water entering the tap temperature regulators is quite likely to be adequately heated.

Despite all of these problems being brought to attention of Regenter and Lambeth, it is extremely worrying that there was an electricity cut for the whole of Lennox Road where these two disabled households live. The whole street got cut off for several hours without warning. One household did manage to get a generator installed within 2 hours of the electricity cut to power the hoist and the lift. Some homes were without electricity supply while holes were being dug outside in the street. It is rumoured that the electricity supply in this street was extremely dangerous hence the emergency work.

4.4. Other examples affecting disabled and vulnerable residents

The examples above are certainly the most extreme cases of health and safety procedures for disabled and vulnerable residents going wrong, they are far from isolated.

- A woman in her 80s fell and broke her arm after workers left materials in her home.
- The demolitions taking place near Fountain Place have led to one resident's disabled access being blocked, leaving them *"a virtual prisoner in my own home"*.
- In August 2013, the RAMB complained to Regenter and Lambeth that people with push chairs and low mobility were finding access to Brixton Road extremely difficult due to the construction, demolition and road works.
- In January 2014, it was reported to Regenter that a disabled resident on Lennox Road was unable to use their wheelchair to access medical items stored in their shed because the back garden had flooded – see photo left. This problem took weeks to sort out.



5. Poor Construction Standards and Design Faults that Risk Health and Injury

5.1. Design defects on sites 13, 15 and 16c

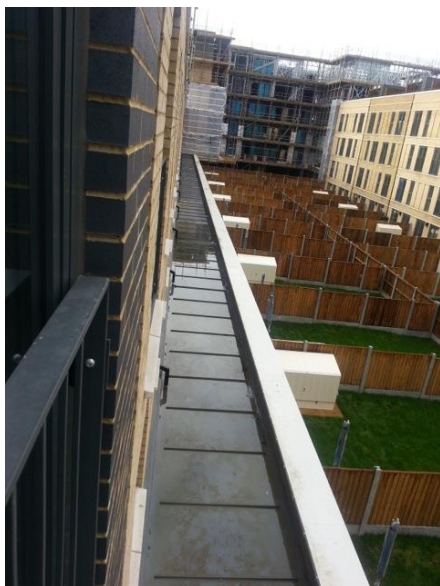
A large number of problems have been identified on the new build sites in Akerman Road and Fitzpatrick Road.

5.1.1. Faulty roof pod copings

On the evening of 27 October 2013, high winds dislodged sections of pressed metal copings from the roof pods of Site 15 in Akerman Road. In total, 5 sections were blown off the roofs. They landed in the rear gardens of the properties in Ackerman Road causing damage to residents' properties and boundary fences. The fact that no one was injured or killed is miraculous. It took exactly one month for Higgins specialist contractor (Teiko) and the coping manufacturer (Alumasc) to inspect the installed brackets. The coping manufacturer confirmed that the brackets had not been installed correctly because the structure of the roof did not allow the brackets to be fixed at the front and rear (two sets of fixings).

5.1.2. Roof Pod Leaks and Stagnant Pooling Water

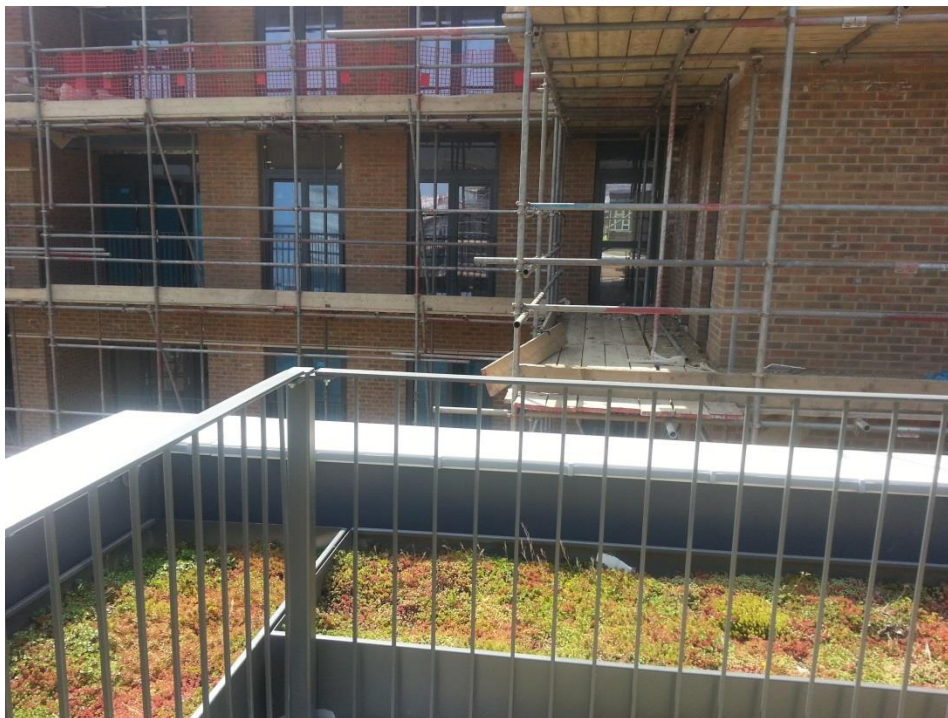
In addition to the metal copings falling off, the roof pods have another design fault causing them to leak water into the upper floor maisonettes underneath. These leaks have required a change to how the rain water pipe outlets are fixed to the roof pods. However, residents are reporting that the water drainage system for the flat roofs is not working and there is stagnant water pooling on the parapets of the new build town houses. This stagnant water is merging with litter to create what could potentially be a health hazard. Despite complaints about this, and evidence presented to Regenter, its sub-contractor Higgins maintains that this is supposed to happen.



The RAMB raised the issue of stagnant water pooling when attending an Independent Certification inspection in December 2013 at site 19a (Mostyn Road). They raised it again in January 2014 when attending a viewing of site 19a. In discussing the issues, several contractors and a project manager on the day stated no remedial action would transpire as *"it was a design fault"* i.e. the flat roof is not slanted to enable drainage. Other comments made were that unfortunately the product purchased could not stretch to the base of the parapet to allow drainage and this was why the drainage holes are on the lower side of the wall as opposed to lying flat on the parapet. Another comment relayed *"it was designed that way"*. RAMB questioned the impact of the stagnant water on the parapets and was informed that research had been undertaken and it would not affect the structure of the house i.e. cause damp/leaks. However, water stagnation is a breeding ground for insects and could be a serious environmental health hazard to families. Accordingly the build-up of bacteria and algae in stagnant water will start to smell if not aptly drained. In light of the recent weather conditions it is of concern. Some of the parapets are also gathering rubbish and rotting food. There is no access to the parapets and the other houses were unoccupied. It is therefore questionable as to how this rubbish got there and how it will be removed. RAMB foresee that this might be a problem as families move in i.e. children may be tempted to drop things into the water.

5.1.3. Roof top Planters

Regenter has recently agreed that the roof terrace planters should be de-commissioned. They were designed to be a self-maintenance part of the overall roof terrace whilst providing a secondary barrier. However, the design of the planter provides an opportunity to step up and over the roof terrace railings and for residents to potentially maintain the roof planter themselves, making it a potential health and safety hazard.



5.1.4. Burst Riser Ducts

There was an incident in December 2013 when a high pressure fitting within one of the communal riser ducts on Fitzpatrick Road burst.

5.1.5. Faulty bannisters and hand railings

A number of residents are reporting that their bannister rails are either loose or falling off the wall. In one example, a bannister came loose in an elderly woman's home in Fitzpatrick Road and was reported on the 21 December 2013. A contractor came to temporarily repair the railings the following week, but left the railings loose with protruding. The contractor commented to the resident that he had never seen anything like it in his life. The resident did not hear again from the contractor and reported the repair to the Resident Liaison Officer. Another contractor visited on 20 January 2014 to assess the disrepair and order new material for the installation. In the meantime another banister came loose. The banister railings were finally secured on 24 January 2014 more than a month after first being reported.

5.2. Ongoing concerns about the new Heating and Hot Water System

One of the biggest complaints from residents concerns the new heating and hot water system. A core plank of the 25 year PFI scheme for Myatts Field North is re-provision of a central Combined Heat and Power (CHP) plant for the estate by the energy company E.ON. As a sub-contractor for Regenter, E.ON is charged with physical renewal of the iconic 'Camberwell Submarine' district heating system located on Ackerman Road to the south-east of the estate, which originally provided the estate with all of its heat and hot water. Disrepair and reliability issues led to its disconnection during the 1990s and it was replaced by individual boilers in each home. E.ON is responsible under the PFI for managing and maintaining the district system. It holds the individual heat and power supply contracts with residents, billing them individually for the hot water used, based on data sent back to them from an Evinox ModuSat TP Heat Interface Unit (HIU) installed in each home. The HIU is supposed to be indistinguishable in its control and use from an individual boiler.

However, it is clear from a number of accounts imparted by residents – as the section on disabled residents also made clear - that there are major problems with this new system that have health and safety concerns for residents:

- A large number of residents have complained that they cannot work the new heating and hot water system and that the instruction manual is incomprehensible;
- Pinnacle's own staff have been seen struggling to work the home heating systems;
- Some residents (often quite vulnerable) occasionally find themselves without any heating;
- E.ON has had to replace the HIUs in some larger properties, due to them being too small, and is looking into an alternative control system that is simpler to use;
- In some cases the HIUs are themselves now failing, due either to software or mechanical problems;
- Problems include an inconsistent hot water supply that is sometimes scalding hot but then unexpectedly cold. In the bathroom it can be lukewarm so people cannot have baths;
- The temperature regulators fitted to bathroom taps, in line with building regulations, are supposed ensure that water comes out at a safe temperature. However a large number of

residents are reporting huge inconsistencies with the water temperature as the following quotations from residents reveal:

“The hot water is very hot in the kitchen and sometimes in the bathroom, but it's not supposed to be. This morning the bathroom water was scalding. This is a real concern to me because [...] I have to think about child safety.”

“The reality is either
1 hot water is warm to tepid. People are using kettles, showers or other alternatives.
2. central heating is not programmable- people are using electric blow heater or alternatives from the mains or freezing
3. hot water is not working at all
4. hot water is warm to tepid but with sudden and uncontrollable surges of cold.
5. heating is not working.
Sometimes it's a combination of several factors.”

Once again, there appears to be a large number of complaints emanating from the new build flats on Fitzpatrick Road:

- One resident reported that he has difficulty in regulating the heating controls, making his **bedroom very hot and him unable to sleep**. He cannot understand the information in the instructions;
- One resident reported having no heating in the master bedroom. E.ON visited her in December 2013 and told her the heating controls and boiler needed to be changed. She heard nothing more from E.ON. She then called E.ON on the 21 January 2014 and an engineer and fixed the heating on the 24 January 2014. The engineer that visited told her that the previous contractor had not checked the equipment correctly and the heating controls and boiler did not need to be changed;
- One resident reported that when EON fitted the new system he could only get hot water from the shower and not the bath taps, and it took several visits from an engineer to repair the system. Currently the meter is not working in the new system which is supposed to give an automatic reading;
- One resident washes her dishes by boiling kettles as there isn't enough hot water from the taps and she cannot fill a whole bath with hot water before it goes cold so she starts running the tap water as advised to activate the coils, which time her half-filled bath is cold;
- Some residents have been moving to new properties without any heating working;
- One resident reported moving into a refurbished home to discover that the extractor fans in the kitchen and bathroom were not working and that the bathroom vent outside had been bricked up.

Despite these problems, the new heating and hot water system has been passed by the Independent Certifier (IC) as meeting the Full Availability Standard, which attracts the higher payment rate from Lambeth to Regenter.

Residents have been told that the lack of hot water is caused by the new government legislation to reduce temperatures; or our complaints are dismissed by E.ON and Lambeth as caused by tenants not being able to use the settings despite the fact that there are no settings for controlling the hot water. The latest excuse we have been given is that *“unless you are fully conversant with the controls for the heating, you can accidentally switch off the hot water system inadvertently”*.

6. General health and safety concerns

In addition to the specific incidents, allegations and concerns about fire safety, gas safety, construction standards and disabled residents, there are a number of general management and monitoring issues that continue to generate wider health and safety concerns.

6.1. Out of hours service

There has been an ongoing problem with Regenter's Out of Hours Emergency Service as we have detailed in section 4. This is a phone line that residents ring in the event of an emergency disrepair or incident. Many residents have found that their requests for urgent assistance have been unanswered either because the wrong phone number has been given, the phone service was not working, or because when answered, the call centre operators tell them that their homes are not listed on the computer database meaning no engineers will attend.

The main problem appears to be that many of the addresses on the Myatts Field North estate are not on the computer system. This is completely unacceptable as the failure to locate a residents' address has serious equality, health and safety implications, putting MFN residents at risk. There remains a lack of communication within the out of hours system that prevents effective responses to resident matters of urgency and incurs confusion, stress and inconvenience to MFN residents.

Example

*On 5 May 2014, the RAMB made yet another complaint to Regenter in relation to the Rydon maintenance out of hours service and MFN resident address data. A resident of Bramah Green contacted the out of hours service at 8.45am on the 4 May 2014 to report a serious leak from the boiler in her kitchen. The resident was **told that her address was not on the system, the out of hours team were no longer working with Regenter and the number she had was incorrect.** The resident checked the number with a nearby noticeboard, a neighbour and the website, and the number **08000 851 230** was correct. She also telephoned Lambeth Council and was told her property was not their responsibility. A further call to the Out of Hours Service operators on the same day led to the same outcome - the address was not registered and the job could not be attended without authorisation. When it was highlighted that this was a vulnerable resident with a one and half year old child in the property, the emergency job was authorised. However, by 7.30pm no engineer had attended. The customer service operator restated that the address was not listed, apologised for the delay and commented that many engineers declined jobs to unlisted properties for fear they would not be paid. A job reference number was provided with the assurance that an engineer would make contact shortly to advise of the impending time of arrival. However no contact or visit was made. This problem continued into the next day when a promised call out before 11am did not materialise. Finally, after further phone calls the engineer arrived just before 12.30pm. Despite efforts to fix the boiler a new unit was required.*

6.2. Raw sewage and blocked toilets

In February 2014, following an estate walkabout, it was confirmed by Pinnacle that the garages under Crawshay Court were full of rubbish, debris and flooded with “faeces and sewage”.



Source: Pinnacle

6.3. Asbestos

Residents have reported concerns about the removal of asbestos, dangerous substances and toxic waste whilst residents are still living in the housing blocks and finding hazardous waste being dumped in the residents’ domestic refuse facilities as these photos below show.



6.4. Unsupervised and inexperienced workers

Several residents with building trade experience believe that some of the electricians and plumbers employed by Rydon and Higgins sub-contractors are not qualified and are not being adequately supervised with apprentices working alone. Lack of appropriate supervision of the

delivery of the contracted works and services has been an ongoing major concern for the MFN RAMB and community members.

6.5. Pest Control

The building works to the estate have coincided with an increase in pests.

- an increase in the number of rats and mice is linked to nests in buildings being disturbed by works;
- these vermin have been attracted to food that has been left by workers on the scaffolding boards;
- scaffolding surrounding buildings has made it easy access for the mice to enter into people's homes and into the new roof and risers of the block.

Example – Fly Infestation and Refuse



In October 2013, residents of Akerman Road and Fitzpatrick Road complained to Regenter about a very serious fly infestation inside and outside of their homes as well as an increase in foxes. This coincided with residents' concerns about the new pod bins and refuse remaining uncollected for weeks.

After an investigation by Regenter it was discovered that the problem stemmed from missed bin collections caused by vehicles parking in front of the bin pods and the refuse not being properly bagged in bin liners.

The photo left is of the bin pods at the top of Akerman road taken in June 2014. The area around them is quite tidy but the pod bins and green bins have been full for weeks now and are fly infested, smelly and generally very unpleasant.



Regenter has investigated the pod bins and claims there is no technical fault with them – it is a case of missed collections caused by resident parking being compounded by poorly bagged rubbish. However, the whistle blower claims that a Rydon report about design faults with the pod bins was circulated to Regenter and Lambeth that included information from 4 local authorities who have similar problems issues with the same model 7.

6.6. Traffic, road safety and pedestrian access

Residents have been complaining for over 18 months about contractors blocking the main entrance into the estate and rendering pedestrians vulnerable to serious accidents. Pedestrian access to the health centre on Akerman Road has also been made very difficult by the construction works and the removal of a zebra crossing at the junction of Akerman and Patmos Road for many months. When the Zebra Crossing was reinstated, it was left in a terrible state for pedestrians and disabled people and others with immobility issues. Below are photos taken from the corner of Akerman and Patmos Road taken in April 2014.



Compliance under NEBOSH rules is not in practice on this estate workmen have been parking their cars with tools in a residential area - within leaseholders parking spaces without negotiation.

6.7. Unsafe mechanical work

Residents have reported concerns about the way in which demolition and other mechanical diffing works are being undertaken. The photo below is of a Centrica contractor who was using a digger outside back entrance of a home in Carlton Court where the resident has a child. No warning was given of this work taking place or not to use the entrance and the work took place on the May 2014 Bank Holiday. This work was stopped when a RAMB officer went to the Higgins office.

However, even though the works were not being carried out by Regenter and they were stopped after intervention by Higgins, the fact that this could have happened in the first place raises huge questions about site management and supervision. Who are contractors reporting to? And why is no one from Regenter watching?

6.8. Dangerous walkways



In some parts of the estate either not being demolished or in need of a temporary repair before coming down, uneven asphalt has been laid on residential block communal steps and pathways that does not facilitate appropriate drainage as it had before. Each of the previously adequate stone steps have been replaced with unevenly placed asphalt steps and plastic edging which have since broken and are slippery when wet. In other parts of the estate, there are hazardous temporary boards covering holes to roads and pavements.

6.9. External lighting and CCTV failures

Below is an extract from Rydon's Monthly Estate Review Action log for March 2014. It evidences a long-standing problem for residents on the estate – the continued failures of external and temporary lighting that creates health, safety and crime risks for residents. Causes include:

- ongoing damage to lampposts and supply cables by construction works under Higgins
- mistaken removal of electricity supply when demolishing adjacent properties
- blown light bulbs not being replaced promptly

<div style="display: flex; justify-content: space-between; align-items: center;"> <h3>Monthly Estate Review Action Log</h3> </div>								
Attd.:		Chair: Papu Ram		Date: 21-Mar		Completion date 24.03.14		
No.	Item / issue	Item CC	Action	COMMENT	Who	Due	Revised	Compl.
1	Shortfall in key Attendees	RAMB	Arrange a second meeting to review lighting levels. This is to be arranged for a time of approx. 9pm	Attendance is statutory due to the H&S issues found. Confirmation to be given at next RAMB Meeting	Pinnacle BO	26.03.14		
2	Lighting Report to be made available	RAMB	Pinnacle to provide for next meeting	Eddie Nightwatchman produces this daily	Pinnacle BO	26.03.14		
3	Actions taken to resolve issues identified in lighting report	RAMB	Rydon to provide WO's and photographic evidence of completion	Rydon to provide to Regenter	Rydon AL	28.03.14		
4	No temporary lighting on dark green hoarding in foxley square	RAMB	LBL to instruct Rydon to provide temporary lighting quotation and upon LBL approving cost Rydon to complete	This is a requirement under building regulations, H&S at work, CDM	LBL	26.03.14		
5	Lack of lighting adjacent dark green hoarding in foxley square	RAMB	LBL to instruct Rydon to provide cost options	This is a requirement under building regulations, H&S at work, CDM	LBL	26.03.14		
6	Lack of lighting in the rear of foxley road	RAMB	LBL to instruct Rydon to provide additional wall mounted light	This is non conformant to BS 5489:2013 and promotes crime increase	LBL	26.03.14		
7	Lack of lighting at the rear of foxley road (1-38)	RAMB	LBL to instruct Rydon to provide additional wall mounted light	This is non conformant to BS 5489:2013 and promotes crime increase	LBL	26.03.14		
8	No temporary lighting to light green hoarding on winterslow Rd 2-24	RAMB	Regenter to instruct Higgins to install temporary lighting	This is a requirement under building regulations, H&S at work, CDM	Higgins MM	26.03.14		
18	Lamp Post 128A inoperative lamp	RAMB	Rydon to raise WO and complete	Bramah Green	Rydon AL	28.03.14		
19	Lamp Post 039A inoperative	RAMB	Rydon to raise WO and complete	Bramah Green	Rydon AL	28.03.14		
19	Lamp Post 43C energised during day. Photocell issue	RAMB	Rydon to raise WO and complete	Bramah Green	Rydon AL	28.03.14		
20	Lamp Post 43E inoperative Lamp	RAMB	Rydon to raise WO and complete	Bramah Green	Rydon AL	28.03.14		
20	2x lamp Post inoperative	RAMB	Rydon to raise WO and complete	Lennox Rd	Rydon AL	28.03.14		
21	Future Hoarding Lighting	RAMB	Higgins to confirm they will provide all future hoarding with lighting	Foxley Square, Fairburn Green, Bramah Green	Higgins MM	28.03.14		
21	Underground electrical cable damage	RAMB	Higgins to confirm that prior to any future excavation works outside of hoardings that Cat Scans have taken place and surrounding estate lighting is operative.	Foxley Square, Fairburn Green, Bramah Green	Higgins MM	28.03.15		
22	Trip Hazard	RAMB	Temporary cover over excavation to be fixed in location	This is H&S issue, photograph 100 1752	Higgins MM	28.03.16		
22								

The RAMB has consistently brought up the issue of CCTV cameras not working on the estate for the past 18 months. Finally, at a meeting with Lambeth in January 2014, it was admitted that approximately 50% of the 36 CCTV cameras on the estate were not working. Development works had resulted in the temporary removal of many cameras and underground cables had been damaged leading to two lengthy periods when the entire network down (8/4/13 to 10/5/13, and 15/9/13 – 17/1/14). Once again, RAMB demands for ensuring that CCTV cameras are in full working order all the time for the purpose of community safety have been met with explanation that they will be by the end of the 4 year regeneration works.

It is worth noting that in recent weeks there has been a marked escalation in gang activity on the estate and a warden has been forced to leave his job after threats were made to his life. The two remaining wardens for the whole estate now walk around with stab vests on. The fact that lighting and CCTV cameras are not working properly across the estate and that in some areas there is total darkness where cameras are working raises this as a major health and safety issue particularly where there are residents living isolated amongst void properties awaiting demolition.

6.10. Whistle blower allegations

These concerns about general health and safety and site management and supervision chime with the whistle blower's allegations. In this area, he alleges:

1. While working for Rydon, the whistle blower had questioned whether Regenter were ensuring that flushing of new water systems with chlorinated water was happening to the standards required by Thames Water. He alleges that chlorination certificates with regard to the new-build properties appeared to absent when he worked on site and suggests that, given his colleague's position as Technical Manager, [redacted] should have been querying this as a non-compliance event. When we asked how it could be possible that Thames Water had energised the water supply to the new-build properties without certificates, the whistle blower said he had noted that there appeared to be two stop-cocks in use, one being an existing stop-cock via which he thought a connection might have been made to a second one installed by Higgins. He does not think that Higgins approached Thames Water about this arrangement.
2. That in his role he actively requested for [redacted] the Rydon SHE Business Partner, and alerted [redacted - Rydon Divisional Manager] of the need to carry out Safety, Health and Environment (SHE) audits, but recounts that nobody from the Rydon SHE department ever came to do this work and believes that the audits have not since been completed.
3. That Rydon has not provided the contractually agreed level of on-site supervision and says that this neglect has contributed to lapses in health and safety such as no first-aiders being on site during long periods of time.
4. This approach, he has suggested throughout his account, is part of a pattern of behaviour in which cyclical works are routinely avoided so as to maximise financial profits for Rydon.

7. Weaknesses of Health and Safety Compliance Monitoring

7.1. Contractual obligations

The PFI contract sets out a detailed framework of obligations and Availability Standards that must be adhered to. These obligations include compliance with:

- Gas Safety (Installation and Use) Regulations 1998
- IEE Wiring Regulations BS 7671
- Fire Precautions Act 1971,
- Regulatory Reform (Fire Safety) Order 2005
- Water Supply (Water Fittings) Regulations 1999
- Water Industry Act 1991
- Water Resources Act 1991
- Health and Safety at Work etc. Act 1974 (and associated regulations),
- Environmental Protection Act 1990
- Construction (Design and Management) Regulations 2007

7.2. Contract compliance monitoring

Compliance with these contractual obligations is formally ensured through the Independent Certifier, Sweett, a joint appointment between The Authority (Lambeth), the Contractor (Regenter) and the Senior Lender (Norddeutsche Landesbank), whose role is to inspect new build and refurbishment works for contractual and statutory compliance and either issue a certificate of availability or refuse one.

7.3. Whistle blower allegations

However, the whistle blower alleges that the process of Independent Certification on the estate under the Sweett Group is not transparent or rigorous enough. He alleges:

1. That none of the housing stock on Myatts Field North is being assessed according to the Housing Health & Safety Rating System.
2. He reports that [redacted], the Rydon Site Manager called in to complete the final stages of the refurbishment programme for Rydon, has himself admitted that some of the refurbished properties were well below prescribed construction standards, because Rydon employees had been signing them off as complete without an Independent Certifier having fully established their completion.
3. That both the Regenter General Manager, [redacted], and the Lambeth housing department's PFI team are negligent with regards to checking the veracity of documentation of contractors and ensuring that Building Control (contracted out to BBS Building Control) is scrutinising the works.
4. That various statutory and contract requirements are being falsely reported and gives an example of there being a negligent approach to the health and safety of employees.

7.4. Conclusions

Allegations about properties being signed off without actually meeting the prescribed construction and refurbishment standards are corroborated by a previous admission to residents from a Rydon Contract Manager, [redacted], that so called 'snagging' lists had not been completed and actioned in response to the Independent Certifier's requests at provisional sign off during the first 6 months of the refurbishments.

While Rydon have since been tasked with actively asking residents to report any defects, we lack confidence in this process, since some of the most serious issues revealed by our resident survey were in relation to electrical installations about which residents are unlikely to be able to make an informed judgement as to their fire safety fitness.

This neglect would seem to account for the woefully unsatisfactory standards in workmanship identified by a jointed University of Leeds / MFN-RAMB survey of residents living in refurbished homes. While Rydon have since been tasked with actively asking residents to report any defects, we lack confidence in this process, since some of the most serious issues revealed by survey were in relation to electrical installations about which residents are unlikely to be able to make an informed judgement as to the fire safety of.

Residents on Myatts Field North estate have continually expressed concerns since the start of the contract that there has been no overall health and safety team or department run by Regenter or Lambeth council to oversee and supervise Higgins, Pinnacle or Rydon's implementation of health safety standards and management. This is particularly important due to the high level of sub-contractors being used by the consortium to deliver refurbishment and building works, and the transformation of this residential estates into a permanent building site with construction, demolition, noise, dust, dirt, highways stopped up, waste, rubble, hazards, asbestos, etc. disrupting residents lives, particularly those with children, the vulnerable, disabled and elderly.

When the experiences of poor works and services, health and safety breaches, living on a building site and the continual frustrations of reporting problems and chasing repairs are brought together, it is no wonder that many residents on the Myatts Field North estate, including members of the RAMB, are reporting that their mental health and well-being is being put under immense strain. This emotional and psychological effects of this intense regeneration scheme was never properly risk assessed and managed as part of the Equality Impact Assessment 2012.

School of Geography

Faculty of Environment
University of Leeds
Leeds LS2 9JT

Dr Stuart Hodkinson

0113-343-1820

s.n.hodkinson@leeds.ac.uk

5th June 2014

London Borough of Lambeth
Su Gomer, Lead Commissioner, Housing Division
Kyron Peters- Bean, Head of Resilience

Dear Officers

RE: Whistle blower allegations of health and safety breaches on Myatts Field North

Further to my telephone conversation on 28th May 2014 with [redacted], Lambeth's PFI Contract Performance Officer for the Myatts Field North PFI Regeneration Scheme, I am now putting on record the very serious allegations about health and safety made by a former employee of Rydon Maintenance Ltd previously working on the MFN project, that have been passed to myself and the Myatts Field North Residents Association (MFN-RAMB).

Alongside these allegations I am sending you a joint report produced with the MFN-RAMB detailing a large number of health and safety concerns that extend beyond the whistle blower allegations. The report is also being sent to the Health and Safety Executive, the Homes and Communities Agency, the Fire Brigades Authority, the Leader and Chief Executive of Lambeth Council, relevant Service Directorates and Lead Members, Ward Councillors and the local MP, Kate Hoey.

This evidence gathering is part of a major study I have been undertaking with my colleague Chris Essen into residents' experiences of public housing regeneration schemes involving the Private Finance Initiative (PFI) in England. We have already sent you a report in February 2014 co-authored with the MFN-RAMB on the refurbishment experiences of MFN tenants that included a number of health and safety concerns.

The whistle blower allegations, if found to be even partly true, contribute to a wider body of evidence we have gathered that suggest the performance and compliance monitoring of the Myatts Field North PFI contract by Regenter, its sub-contractors, and the Independent Certifier is deeply flawed, potentially fraudulent and of major risk to residents and workers.

If you need any further assistance in this matter please do not hesitate to contact me.

Yours faithfully,

Dr Stuart Hodkinson

Whistle blower allegations about Health and Safety on the Myatts Field North estate PFI regeneration scheme

In April 2014, the MFN-RAMB was sent an email from a person claiming to be a former employee of Rydon Maintenance Ltd, one of the main sub-contractors employed by the Regenter Consortium on the Myatts Field North PFI regenerations scheme. The email set out a series of very specific allegations about health and safety breaches along with more general allegations about the inadequacies of contract compliance and monitoring by both Regenter and Lambeth. The whistle blower was happy for their name to be used but we have decided to protect their anonymity for the time being. The person made clear their feelings about Rydon and Regenter's conduct:

"I have never worked for such a bunch of cowboys in my career... I could write a book about their shortfalls."

1. Fire safety assessment:

- 1.1. Under the MFN PFI Contract, Regenter is responsible on behalf of Lambeth Borough Council, who remain landlord, for implementing *"fire management and health and safety control at the Dwellings during any period that the Contractor is carrying out Works at the relevant Dwelling"*, as well as ensuring *"works comply with legislation and that on completion of the Works all common and communal areas to the blocks have been risk assessed by a competent person"* (see p.550 of Project Agreement).
- 1.2. The whistle blower has informed us that during his experience of the Myatts Field North PFI regeneration working for Rydon:
 - 1.2.1. No Fire Risk Assessments were carried out in relation to either council owned properties that have been refurbished by Rydon or new mixed-tenure properties that are being constructed by Higgins.
 - 1.2.2. [REDACTED], the Technical Manager for Rydon, at some point invited a London Fire Brigade officer to review a HMO block, and that during this visit was told that Fire Risk Assessments ought to be produced before any of the refurbished properties were judged to have been completed and handed over to the client (presumably so as to comply with the Regulatory Reform (Fire Safety) Order 2005). Rydon's Divisional Manager, [REDACTED], wilfully prevented these Fire Risk Assessments from being carried out because of the costs involved.
 - 1.2.3. When he had occasion to join [REDACTED] in inspecting one of the blocks, prior to its hand-over in 2013, he noticed that there was a "service duct" at the back of a "services riser" in one of the HMO communal areas, which he himself advised [REDACTED] should be fire-stopped at each floor level so as to prevent it from becoming an avenue along which fire could spread throughout the building. He does not know if [REDACTED] attempted to action this concern but does not believe that anything has been done to address it.

- 1.2.4. He was unable to identify appropriate certificates to account for any of the communal emergency lighting having been subjected to a standard “3 hour drain-down” test that he believes should take place before properties are handed over to the client.
- 1.2.5. He also has doubts as to whether smoke alarms are being routinely tested but is unsure as to the precise contractual arrangements for this to happen.

2. Water safety

2.1. Under the Water Supply (Water Fittings) Regulations 1999, prior to connecting any property to the mains supply, Thames Water must check that the new plumbing system complies with the Water Regulations. This is done either by Thames Water carrying out an external and internal inspection of the site, or by them receiving appropriate certification from an approved plumber/contractor. The Water Regulations cover all premises supplied by the Water Supplier and it is the responsibility of the owner of the premises to ensure compliance. If the supply is of 50mm internal diameter and above, under the Water Supply (water fittings) Regulations 1999 (SI 1999, 1148), it is required to disinfect the underground pipe work prior to connection. The disinfection must be carried out to ‘BS6700’. This is to ensure there is no detriment to public health. The following must be submitted to Thames Water prior to the connection being made:

- A disinfection certificate
- A method statement of the disinfection process carried out
- The sample results

The ‘certificate’ must indicate the name of the company performing the disinfection, date of disinfection, confirmation that the pipe has been swabbed and flushed prior to disinfection, a ‘hypochlorite’ solution has been used, the chlorine level of the source water, the chlorine level after dosing, the contact time, the chlorine level after contact, and the chlorine level after flushing. It must also detail the onsite test for appearance, odour and taste.¹

- 2.2. While working for Rydon, the whistle blower had questioned whether Regenter were ensuring that flushing of new water systems with chlorinated water was happening to the standards required by Thames Water. He alleges the following:
- 2.2.1. That chlorination certificates with regard to the new-build properties appeared to absent when he worked on site and suggests that, given his colleague’s position as Technical Manager, [REDACTED] should have been querying this as a non-compliance event.
- 2.2.2. When we asked how it could be possible that Thames Water had energised the water supply to the new-build properties without certificates, the whistle-blower said he had

¹ See Water Regulations Guidance by Thames Water: <http://thameswater.co.uk/cps/rde/xbcr/corp/new-water-supply-regulations-guidance-notes.pdf>

noted that there appeared to be two stop-cocks in use, one being an existing stop-cock via which he thought a connection might have been made to a second one installed by Higgins. He does not think that Higgins approached Thames Water about this arrangement.

3. Failures in certification of the works

- 3.1. The PFI contract sets out a detailed framework of obligations and Availability Standards that must be adhered to. These obligations include compliance with key health and safety legislation and practice such as:
 - Gas Safety (Installation and Use) Regulations 1998
 - IEE Wiring Regulations BS 7671
 - Fire Precautions Act 1971,
 - Regulatory Reform (Fire Safety) Order 2005
 - Water Supply (Water Fittings) Regulations 1999
 - Water Industry Act 1991
 - Water Resources Act 1991
 - Health and Safety at Work etc. Act 1974 (and associated regulations),
 - Environmental Protection Act 1990
 - Construction (Design and Management) Regulations 2007
- 3.2. Additionally, the programme for the full refurbishment will be determined and influenced by the HHSRS (Housing Health & Safety Rating System) scoring system. The HHSRS is a risk assessment system that gives an indication of failure on the Decent Homes Standards of the internal and external elements which also impact on the Health and Safety of the Resident (Regenter's Refurbishment Method Statement).
- 3.3. Compliance with these contractual obligations is formally ensured through the Independent Certifier, the Sweett Group, a joint appointment between The Authority (Lambeth), the Contractor (Regenter) and the Senior Lender (Norddeutsche Landesbank), whose role is to inspect new build and refurbishment works for contractual and statutory compliance and either issue a certificate of availability or refuse one.
- 3.4. The whistle-blower alleges that the process of Independent Certification on the estate under the Sweett Group is not transparent or rigorous enough.
 - 3.4.1. He reports that [REDACTED], the Site Manager called in to complete the final stages of the refurbishment programme for Rydon, has himself admitted that some of the refurbished properties were well below prescribed construction standards, because Rydon employees had been signing them off as complete without an Independent Certifier having fully established their completion.
 - 3.4.2. This view is corroborated by a previous admission to residents from a Rydon Contract Manager, [REDACTED], that so called 'snagging' lists had not been completed and

actioned in response to the Independent Certifier's requests at provisional sign off during the first 6 months of the refurbishments.

- 3.4.3. Regenter General Manger, [REDACTED], is identified as someone who either has knowingly allowed properties to be handed over to the client without all of the standards being met or done so without substantial checks to the veracity of documentation which indicated they had.
- 3.4.4. Our contact is also of a view that the Local Authority client, Lambeth, is similarly failing to undertake its own checks during hand-over and suggests that visible Building Control (contracted out to BBS Building Control) has been all but absent during his experience of the works.
- 3.4.5. He is of the general view that various statutory and contract requirements are being falsely reported and gives an example of there being a negligent approach to the health and safety of employees.
- 3.4.6. He asserts that none of the housing stock on Myatts Field North is being assessed according to the Housing Health & Safety Rating System (2006) and says he is aware that another former colleague, Contract Manager [REDACTED], had raised this as a significant issue with [REDACTED]. He is of the view that either [REDACTED] did not action this concern or that Divisional Manger [REDACTED] again put a stop to these assessments being carried out. This neglect would appear to be consistent with other apparent disregard for statutory obligations on the part of contractors.
- 3.5. This neglect would seem to account for the woefully unsatisfactory standards in workmanship identified by a jointed University of Leeds / MFN-RAMB survey of residents living in refurbished homes. While Rydon have since been tasked with actively asking residents to report any defects, we lack confidence in this process, since some of the most serious issues revealed by survey were in relation to electrical installations about which residents are unlikely to be able to make an informed judgement.

4. General health and safety concerns:

- 4.1. The Myatts Field North PFI contract makes clear that the Construction (Design and Management) Regulations 2007 (including amendments or subsequent iterations as appropriate) apply in respect of this project and that Regenter will discharge the client responsibilities for the project for the carrying out of all design, construction and maintenance works insofar as the Regulations permit. The Contractor will ensure that the Client responsibilities are fully complied with and that a suitable appointment is made as the Principal Contractor. The Contractor will respond to any requests made by the Authority in satisfying itself that the Contractor understands and is able to accept these responsibilities.
- 4.2. Under CDM law², a CDM client is someone who is having construction or building work carried out. So Regenter acts as the local authority – it is Regenter who is having the

² <http://www.hse.gov.uk/construction/cdm/clients.htm>

work done, so it is Regenter who is responsible for checking. On all projects clients will need to:

- Check competence and resources of all appointees
- Ensure there are suitable management arrangements for the project welfare facilities
- Allow sufficient time and resources for all stages
- Provide pre-construction information to designers and contractors

Where projects are notifiable under CDM 2007, clients must also:

- Appoint a CDM co-ordinator
- Appoint a principal contractor
- Make sure that construction work does not start unless a construction phase plan is in place and there are adequate welfare facilities on site
- Provide information relating to the health and safety file to the CDM co-ordinator
- Retain and provide access to the health and safety file

4.3. The Health and Safety section of the Project Agreement makes it very clear that the design, construction and carrying out of the Works must be undertaken in accordance with all relevant health and safety Legislation. Regenter must ensure that the construction of the Dwellings and/or Blocks and/or Communal Areas and all operations of the Dwellings and/or Blocks and/or Communal Areas are conducted with due regard to the health and safety and welfare of persons employed upon the Works and visitors to and occupiers of any part of the Project Site and other persons who may thereby be affected and that in and about the performance of the Works the requirements of the Health & Safety at Work etc. Act 1974 are complied with. Regenter must take all reasonable safety and other measures to prevent damage or injury. Regenter is responsible for health and safety, including compliance with the Health and Safety (Construction Design and Management) Regulations 1994 incorporating (Amendments) 2000, in the carrying out of all design, construction and maintenance works. Regenter is deemed to carry out these responsibilities as agent for the Authority, including the preparation for of the Health and Safety file, which will be kept available and up-to-date for the Authority to inspect both on completion of the construction phase and thereafter. A CDM Co-ordinator must also be appointed by Regenter Contractor.

4.4. The whistle-blower alleges that Rydon has not provided the contractually agreed level of on-site supervision and says that this neglect has contributed to lapses in health and safety. Examples include:

4.4.1. Rydon did not have a first-aider on site during the final period of him working for them.

4.4.2. He actively requested for [REDACTED], the Rydon SHE Business Partner, and alerted [REDACTED] of the need to to carry out Safety, Health and Environment (SHE) audits, but recounts that nobody from the Rydon SHE department ever came to do this work and believes that the audits have not since been completed.

4.4.3. He paints a picture of non-compliance being endemic within Rydon.

5. Other Rydon PFI contracts:

- 5.1. The whistle-blower has also been party to internal safety concerns in relation to the way Rydon has been operating in other PFI housing areas across London.
- 5.2. In relation to the Partners for Islington PFI he claims to have been told by a concerned colleague that important electrical works should have occurred 1 ½ years ago and have only recently been rushed through so as to avoid any financial penalties, after it became apparent that the client may be close to discovering that these had not happened. This approach, he has suggested throughout his account, is part of a pattern of behaviour in which cyclical works are routinely avoided so as to maximise financial profits for Rydon. For example, he suggests that it was only after a whole window frame fell out of an Islington property and there was a subsequent investigation that the Rydon Contract Manager responsible for Islington, [REDACTED], implemented the maintenance works which should have been in place to prevent this type of event from happening.
- 5.3. In relation to the Canning Town PFI scheme in Newham, he says that supervisors at Canning Town have been sitting on their concerns about senior Rydon staff not having seemed to take shortfalls in compliance seriously enough. He thinks that actions identified as being necessary in a 2012 Fire Risk Assessments, for example, have not been carried out.
- 5.4. In relation to Brockley PFI scheme in Lewisham, a fire at a house managed under the PFI scheme occurred after a Fire Risk Assessment had identified remedial actions as necessary, but which were not then subsequently carried out by Rydon. Following this fire, he alleges, [REDACTED] and [REDACTED] have been collating information in order to try to protect Rydon (as purchasers of Equipe Regeneration) from negative exposure during a London Fire Brigade investigation.