

Summary Report on
Allegations of breaches of Health and Safety
At Myatts Field North by University of Leeds
On 5th June 2014

1. Context

London Borough of Lambeth and its partners take any allegations about breaches of health and safety seriously and will robustly defend its excellent safety record.

On 5th June 2014 Dr Stuart Hodkinson sent a covering letter and report to Su Gomer, Lead Commissioner, Housing Division and Dr Kyron M Peters-Bean, Head of Resilience. Both these officers work for the London Borough of Lambeth.

The covering letter of 7 pages outlined, "...very serious allegations about health and safety made by a former employee of Rydon Maintenance Ltd."

These allegations had been passed to Dr Hodkinson and formed the substance a 33 page report authored by him and co-authored by the Chair Uzoamaka Okafor; the Treasurer, Jeanne Cornillon and the Publicity Officer Stephen Hack – all from the Myatts Field North Residents Association and PFI Monitoring Board (MFN-RAMB).

The report and covering letter has also been emailed to Members of Parliament; Senior Executive Officers; Lambeth Councillors; Service Directors; Partners and the Health and Safety Executive.

2. The Letter

The letter was based on a number of allegations made by a former employee of Rydon Maintenance Ltd.

And contained a number of allegations and breaches of the Regulatory Reform (Fire Safety) Order 2005 relating to the lack of Fire Risk Assessments. Allegations were also made that Rydon the contractors had failed to discharge their responsibilities under that order and that individuals had 'wilfully prevented' the commissioning of Fire Risk Assessments.

Further the relevant acts and sections were quoted regarding water quality and water safety and allegations made by a whistle blower centred around lack of clarity by Regenter in flushing new water systems; and a general lack of certification and checks under the Water Quality guidelines.

Similar allegations were being made about overall lack of certification covering Gas; electrical wiring; Fire risk; and so on. It was also alleged that Sweett Group who were responsible for independent certification was not transparent and rigorous.

It was stated that Site Managers and Contract Managers from Rydon – were all concerned about the poor quality of refurbishment of dwellings and that some staff, "knowingly allowed properties to be handed over to the client without all of the standards being met..."

The London Borough Of Lambeth lead officers for the Myatts Field North estate regeneration were also accused of “failing to undertake its own checks during hand-over and...Building Control has been all but absent.”

3. The Report

As previously stated this report contained 33 pages of evidence compiled by Dr Hodkinson and Chris Essen as well as the MFN-RAMB officials.

It provides background information to this build - £150 million investment incorporating the demolition of 305 homes; 808 new homes and 172 refurbished housing stock as well as the building of a combined heat and power plant and community centre. It rightly points out that this is a 25 year contract involving key strategic partners Pinnacle PSG; Rydon Maintenance; Higgins Construction and E.On (who will provide the heat/power plant).

14 residents were surveyed and a list of grievances noted. The report does provide detail of some of the major concerns expressed by residents whom took ownership of refurbished homes and provided some anecdotal and photographic evidence to support allegations and concerns.

All of the foregoing was concluded as, “...properties being signed off without actually meeting the prescribed construction and refurbishment standards.” And, “This neglect would seem to account for the woefully unsatisfactory standards”

Crucially the allegation is, “Residents on Myatts Field North Estate have continually expressed concerns since the start of the project that there has been no overall health and safety team or department run by Regent or Lambeth council to oversee and supervise...implementation of health safety standards and management.”

What is clear from the report is that 14 residents who were interviewed were unsatisfied.

The report by Dr Hodkinson and the other co-authors outlined the breaches - but fell short of the technical aspects that a catalogue of serious breaches should and must contain.

In short it was valuable as a source document about resident dissatisfaction but did not specifically match alleged breach of health and safety to the attendant legislation covering that breach, to the action plan recover the breach, or the control measure that needs to be in place.

4. Partnership Response

Several partners from the contractors and managers of companies mentioned: Higgins; Sweett; Rydon: Regenter and Pinnacle contacted the council to robustly refute any evidence supplied by the authors.

In fact a draft response document dated 20.6.14 clearly demonstrated that an action plan had already addressed these issues prior to the publication of Dr Hodkinson's full report. This draft response provided detailed refutation of each of the points mentioned in their report - showing the relevant approved contractors and certificates. The evidence was also linked to the relevant legislation covering the supposed breaches.

In other words, Lambeth and partners provided robust evidence of a cycle of continuous improvement.

It should be noted also that the Health and Safety Executive visited MFN and sought clarification on some points and were provided with evidence from contractors and partners. There were some minor points raised by the HSE.

The author of this report and Corporate Health and Safety officers independently visited some areas of Myatts Field. We concluded that considering the size and scope of the build – the site itself was well conducted and managed.

5. The Lambeth Response

We met with partners to discuss the claims in Dr Hodkinson's report – badged by the University of Leeds. And it is our intention to prepare a scope for investigating claims in that report and where appropriate learn lessons from it.

Our key lines of enquiry centred around the regeneration contract and its interface with contractors and managing agents and whether there were joint lessons to be learned about how we engage with and communicate to partners and residents.

We also looked at the health and safety processes involved in regenerating a major Lambeth estate – with particular evidence on 'certification': where this information is held; how it is shared and who monitors its effectiveness.

And lastly, we looked at general site management and the safety of residents and contractors as the build progresses.

Corporate Health and Safety have been kept fully up to date with MFN since its inception and the start of the project itself. We have been involved in the evaluation of contractors and have inspected company health and safety policies and procedures well before a brick is laid.

We have worked alongside contractors and partners and Housing officers as a 'silent partner', but have always been impressed by the size and scope of this project and how few issues are actually brought to our attention.

6. Conclusion

What was clear from Dr Hodkinson's letter and his University of Leeds co-authored report is that 14 residents were aggrieved.

The report itself used highly emotive language and it was unclear as a document which was supposed to have technical expertise and merit behind it.

The letter was similarly value laden and it was unclear whether it was intended to critique Private Finance Initiatives within the London Councils of Islington, Newham and Lewisham – or highlight legitimate concerns about Lambeth and its MFN residents.

Whatever the approach the authors took – it was viewed by colleagues as potentially undermining the high standards of partners; contractors; and officers of the council. It was not a quality document of academic integrity – although perhaps its intentions were honourable in one respect: safeguarding the views of some residents of MFN; a small number of whom had concerns about their own properties.

The document did not mention the daily consultation with the residents themselves; the seven years plus consultation with private and public bodies; the rigorous application and evaluation of contracts; the monitoring and compliance of all parties concerned with the major refurbishment and rebuilding of a community.

Of the many people we have spoken to since: it was clear that everyone regretted that some residents were aggrieved and established a principle to work harder to redress the original issues raised and ensure the satisfaction of residents and to reassure them that we work within the boundaries of health and safety legislation; and within the spirit of that legislation.

We have also learned to centralise and computerise 'certification' : so that key leads can ensure that everything is in place; that approved contractors work on specific problems with current information and then, in turn, update the central database.

A recent independent survey of just under 100 residents indicates high satisfaction levels among residents as follows:

- 80% of residents in the new properties agree that the estate is cleaner and tidier than it was two years ago
- 80% of residents in the new properties agree that they feel safer on the estate than they did two years ago
- 82% of residents in the new properties agree that the estate is a nicer place to live than two years ago
- 88% of residents in the new properties agree that their property is a nice property to live in
- 80% of residents in refurbished properties agree that their property is a nice property to live in
- 89% of residents in the new properties will recommend the estate as a nice place to live
- 73% of all residents agree that, when complete, the regeneration project will have improved the lives of residents
- 80% of residents in the new properties agree that overall their accommodation is better than two years ago
- 74% of residents in refurbished properties agree that overall their accommodation is better than two years ago
- 96% of residents think the new community centre is an improvement on existing facilities.
- The most popular item raised as being better about the estate was that it had a better appearance (cleaner/tidier/generally nicer/buildings look better – 64%)

Dr Kyron M Peters-Bean

Head of Resilience

The London Borough of Lambeth.