

## Unipol Code Fast Track Tribunal

2nd March 2016

### Meeting to consider non-compliance with the inspection process by Megaclose

Present: Mrs Ann McCarthy (Chair), Mr Daniel Donen (Vice Chair), Ms Grace Lawrenson (Vice Chair)

In Attendance: Mrs Faye Swanwick (Accreditation Officer)

#### Report from the Tribunal

##### *Details of the complaint*

Megaclose applied to become members of the Unipol Code on 10th March 2015 and at this time declared that 81 student properties complied with the standards of the Unipol Code. Unipol inspected 16 properties in June and July 2015 to check for compliance, and on inspection it was observed that none of these properties complied with the property standards in the Code, mainly in regard to health and safety elements of the Code. Specifically in relation to fire safety, 9 properties had missing elements from fire doors (clauses 4.15/ 4.16), 11 had means of escape that do not comply due to thumb turns locks not being fitted on final exit doors (clause 4.25), and 7 properties were missing elements of the required smoke detection equipment (clauses 4.15/ 4.16).

Unipol issued Megaclose with reports detailing works required to bring the properties up to the standards of the Unipol Code which included target timescales by which to undertake the works. Following on from the inspections, Unipol received an email in early August from Megaclose, stating that they would be starting on the works over the next few weeks. Unipol responded asking for a full schedule of works for each property but did not receive a response. This was chased up on numerous occasions including 25th August, 16th September, 19th October, 11th November, 7th December and 21st December 2015. No response to any was received until the 8th January 2016, at which point Megaclose requested an extension to the timeframe to provide Unipol with a detailed timetable of when works would be completed. Due to the already considerable amount of that had passed, the Accreditation Officer advised that a response needed to be received by 31st January 2016; otherwise they would be referred to the Tribunal as the verified properties did not comply with the Code.

A response was not received by 31st January; however Megaclose requested a meeting with Unipol after being notified that they were being referred to the Tribunal. A short meeting was held on 19th February 2016 with Megaclose stating that they have been extremely busy and would not be able to provide a timescale for completing the works until the end of March 2016 at the earliest.

It was therefore decided to refer Megaclose to the Tribunal for non-compliance with the property standards with the Unipol Code.

##### *Other Matters that the Tribunal Took into Account*

The Tribunal noted that applying to join the Unipol Code is a voluntary process which relies on a large extent on landlords acting in good faith once a commitment had been made. This includes cooperating with Unipol in the verification process and undertaking any works required to ensure that standards are met. This is especially important in relation to issues of health and safety.

##### *Report*

Megaclose chose not to attend or to provide a written statement; therefore the Tribunal discussed the matter based on the information available to them.

##### *Decision*

The Tribunal considered that non-compliance with health and safety elements of the Code was a serious matter and that the landlord's behaviour was not in line with that expected in the Code. As a large landlord who had been given over 6 months to respond to the inspection reports, the excuse of being too busy was not acceptable and demonstrated an organisation that could not undertake to meet its commitments. The Tribunal considered that Megaclose had failed to respond in a timely way to correspondence from Unipol and noted that it was only when threatened with disciplinary action that they eventually responded to the matter. Having taken this into consideration, the Tribunal **REPRIMANDED** Megaclose accordingly and decided that they be **SUSPENDED** from the Code until such time as they could demonstrate compliance with the requirements of the Code.

The Tribunal recommended to Unipol that a press release be issued reporting the outcome of this Tribunal.

##### *Follow-up Action*

The Tribunal set the following condition for re-admittance to the Code should Megaclose choose to re-apply in future:

- That all works required from the inspections in June and July 2015 must be completed and a satisfactory re-inspection completed to confirm this

**Please note this decision relates to Megaclose houses only (up to 15 bed spaces), their large developments are still covered by the National Code.**