

## Shelter Briefing: Westminster Hall Debate on cladding and remedial fire safety work

### Summary:

- Many months on from the Grenfell Tower fire, only a tiny proportion of the unsafe cladding has been totally replaced on homes across the country – only 7 out of 158 affected social housing blocks have had the unsafe cladding totally replaced and there is no data available about progress with privately owned blocks.
- There is confusion and uncertainty about what works can and should be done, by when and who should pay.
- This had led to delays on remedial works and on-going legal challenges, particularly in relation to privately owned buildings.
- As the one-year anniversary of the Grenfell Tower fire is soon approaching, there is widespread concern about progress of works.

### Recommendations:

- Building and fire safety are crucial for public safety, and go to the heart of the purpose of government.
- The government should step up to rectify the situation, setting out clearly who is liable for the cost of works, when they should be completed by and what materials are safe to use, the remedial work can be carried out as efficiently and effectively as possible.
- We urge the government to provide clarity on fire safety, as well as clearer guidance on who should pay for and carry out these essential works – government should set a timetable for when all works must be complete.

## Background

Certain cladding systems, which combine aluminium composite material (ACM) panels with particular types of insulation, have been found to be unlikely to meet current building regulations for fire safety. Following the Grenfell tower fire, owners of high rise buildings with ACM cladding systems were invited to submit samples of their cladding systems to the Building Research Establishment (BRE) for testing. Of the seven different combinations of cladding and insulation tested, four failed – meaning they are too combustible to meet building regulations for buildings taller than 18m.

MHCLG's Building Safety Programme releases monthly data updates about affected tower blocks. As of the most recent publication on 27 February 2018<sup>1</sup>:

- 314 buildings over 18m were confirmed to have ACM cladding installed or previously installed as of 10<sup>th</sup> January 2018. Of these, 301 have cladding systems, which the Expert Panel advised are unlikely to meet current building regulations guidance.
- Around half of confirmed cases are buildings owned by social landlords – 158 over 18m have ACM cladding systems installed.
- 63 local authority areas in England contain at least one residential building over 18m or one public building (release does not break down further than this) with confirmed ACM cladding

---

<sup>1</sup> Building Safety Programme Monthly Data Release, Ministry of Housing, Communities & Local Government, 27 February 2018, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/684206/February\\_Data\\_Release.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/684206/February_Data_Release.pdf)

systems, which are unlikely to meet current building regulations guidance. Of these, 38 include at least one social housing building.

- As owners of more private residential buildings send in samples for testing, MHCLG expect the number with confirmed ACM cladding, which does not meet current building regulations guidance to increase.

Of the 158 social housing buildings that have combinations of ACM and insulation judged to have failed the large-scale tests, as of 27 February 2018:

- 92 have started remediation;
- Of these, a total of seven buildings have completely finished remediation work.

## What's the issue?

Based on data from the Building Safety Programme and meeting with a number of housing sector organisations and councils, progress of remediating affected blocks has been slow and there appear to be a number of reasons for this, which include:

- The complexity of the removal of the ACM cladding in some circumstances – some buildings have ACM in their structures, so the unsafe cladding can't be removed as easily as cosmetic cladding<sup>2</sup>;
- Uncertainty about what materials should be used to replace the unsafe cladding<sup>3</sup>;
- Uncertainty around the outcome of the Hackitt Review and whether the final report will make recommendations for additional works relating to fire safety – it might make more sense to complete works in one go<sup>4</sup>;
- Shortages of materials and labour capacity to undertake all remedial works<sup>5</sup>;
- Questions around liability for repair works – there is uncertainty about who should pay for the remedial works<sup>6</sup>, especially with building owners and leaseholders in private blocks<sup>7</sup>;
- Some building owners have been informed of other issues following updated fire risk assessments, which has meant works beyond replacing unsafe cladding are also being undertaken - for example, the installation of fire doors.<sup>8</sup>

---

<sup>2</sup> Building Safety Programme Monthly Data Release, Ministry of Housing, Communities & Local Government, 27 February 2018, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/684206/February\\_Data\\_Release.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/684206/February_Data_Release.pdf)

<sup>3</sup> Inside Housing, 'LGA calls for government clarity after 'shocking' fire test revelations, February 2018, [https://www.insidehousing.co.uk/news/lga-calls-for-government-clarity-after-shocking-fire-test-revelations-54398?utm\\_source=Housing60&utm\\_medium=email&utm\\_content=article\\_link&utm\\_campaign=H60](https://www.insidehousing.co.uk/news/lga-calls-for-government-clarity-after-shocking-fire-test-revelations-54398?utm_source=Housing60&utm_medium=email&utm_content=article_link&utm_campaign=H60)

<sup>4</sup> Inside Housing, 'The Hackitt review's findings suggest major changes are coming to building regulations, December 2017, [https://www.insidehousing.co.uk/comment/the-hackitt-reviews-findings-suggest-major-changes-are-coming-to-building-regulations-53626?utm\\_source=Housing60&utm\\_medium=email&utm\\_content=article\\_link&utm\\_campaign=H60%2053732?utm\\_source=Housing60&utm\\_medium=email&utm\\_content=article\\_link&utm\\_campaign=H60%20](https://www.insidehousing.co.uk/comment/the-hackitt-reviews-findings-suggest-major-changes-are-coming-to-building-regulations-53626?utm_source=Housing60&utm_medium=email&utm_content=article_link&utm_campaign=H60%2053732?utm_source=Housing60&utm_medium=email&utm_content=article_link&utm_campaign=H60%20)

<sup>5</sup> Inside Housing, 'Cladding work 'putting pressure on supply chain', says NHF', January 2018, [https://www.insidehousing.co.uk/news/cladding-work-putting-pressure-on-supply-chain-says-nhf-53732?utm\\_source=Housing60&utm\\_medium=email&utm\\_content=article\\_link&utm\\_campaign=H60%20](https://www.insidehousing.co.uk/news/cladding-work-putting-pressure-on-supply-chain-says-nhf-53732?utm_source=Housing60&utm_medium=email&utm_content=article_link&utm_campaign=H60%20)

<sup>6</sup> Inside Housing, 'Who foots the bill for fire safety', February 2018, [https://www.insidehousing.co.uk/comment/who-foots-the-bill-for-fire-safety-54550?utm\\_source=Ocean%20Media%20Group&utm\\_medium=email&utm\\_campaign=9154582\\_IH-THE-FRIDAY-LONG%20READ-9-2-2018-GR&dm\\_i=1HH2,5G7PY,RE3RBE,L3YZB,1](https://www.insidehousing.co.uk/comment/who-foots-the-bill-for-fire-safety-54550?utm_source=Ocean%20Media%20Group&utm_medium=email&utm_campaign=9154582_IH-THE-FRIDAY-LONG%20READ-9-2-2018-GR&dm_i=1HH2,5G7PY,RE3RBE,L3YZB,1)

<sup>7</sup> Inside Housing, 'Cladding may not be replaced on Croydon tower block until leaseholders pay', February 2018, <https://www.insidehousing.co.uk/news/news/cladding-may-not-be-replaced-on-croydon-tower-block-until-leaseholders-pay-54513>

## **What needs to be done?**

Building and fire safety are crucial for public safety, and go to the heart of the purpose of government, but at present there is confusion and a lack of certainty amongst building owners about what steps they should be taking. For privately owned buildings in particular, there is also confusion over who is liable to pay for remedial works.

To help ensure remedial works are carried out as expediently as possible, it would be helpful for the government to give clearer guidance on which materials are safe to use in place of the unsafe cladding, what the appropriate timeframe is for making buildings safe, and crucially who should pay for this work to be carried out.

## **Potential questions to ask in the Westminster Hall debate**

1. What materials are safe to use in and on residential buildings?
  - a) Why is government continuing to use desktop studies to test combustibility of materials, when desktop studies passed materials, which have now been found to be non-compliant with building regulations?
2. Who should pay to remove cladding that isn't compliant with building regulations?
  - a) If leaseholders are found to be legally liable to pay for remedial works, would the government find this acceptable?
  - b) If leaseholders cannot afford to pay for remedial works, what does the government see as the correct course of action for conducting necessary works?
3. When should the removal and replacement of non-compliant cladding be completed by?

**If you would like more information, please contact [charlotte.gerada@shelter.org.uk](mailto:charlotte.gerada@shelter.org.uk)**

---

<sup>8</sup> Ham & High, 'Cost of Chalcots Estate evacuation and cladding removal estimated at £31m', November 2017, <http://www.hamhigh.co.uk/news/politics/cost-of-chalcots-estate-evacuation-and-cladding-removal-estimated-at-31m-1-5289618>