

## Shelter Briefing: Opposition Day Debate on Grenfell

### Background

The one-year anniversary of the Grenfell Tower fire is fast approaching and yet progress on a number of fronts has been very slow. With rehousing Grenfell survivors, the chronic under-supply of social and genuinely affordable housing in the borough of Kensington and Chelsea has left dozens of survivors still living in temporary forms of accommodation, without a permanent, settled home.

The unsafe cladding that was found on the Grenfell Tower has been found on over 300 other tower blocks across the country and progress with remediation work has lagged. Only 7 out of 158 socially owned blocks have completely finished remedial works, while some private blocks still remain unidentified and disputes are on going between leaseholders and building owners about who is liable to pay for works.

Beyond short-term, immediate responses to ensure residents are safe, there is wider work through the Hackitt Review, the consultation on desktop studies and the Grenfell Inquiry that aims to uncover what enabled the fire to take place and how we can prevent another tragedy of this kind from happening again.

Shelter is engaged in all areas of this work. From our advice workers supporting survivors and surrounding estate residents to be rehoused, to campaigning for the removal of unsafe cladding, we set out here our perspective on progress to date.

### Rehousing Grenfell survivors

The devastating fire at Grenfell Tower destroyed the homes of people living in the tower and also left many people in the immediate vicinity homeless and in need of new accommodation away from the trauma of the site.

In total, 210 households needed rehousing because of the fire. This is higher than the number of households who had been living in flats in the tower. Many of these families had been severely overcrowded and rather than force people to remain in cramped conditions, the council has allowed families with adult children to split into separate homes. This is a welcome step but has made the process of rehousing more challenging.

Figures (April 2018) show that 72 households were still in emergency accommodation after the fire. 74 households had moved into a new permanent home. A further 64 had moved into temporary accommodation while they wait for a suitable home to become available.

For all households the most important challenge is to find a permanent home that meets their needs, in the right area. For many this means waiting for scarce social housing to become available. Rehousing a large number of households has undoubtedly been challenging against a backdrop of London's housing crisis. The council has responded by purchasing new homes for families to move into rather than relying on their existing stock. The council has acquired 307 properties.

It has taken time for these homes to become available. In some cases, building work needed to be completed, or homes needed refurbishment and purchasing new homes from the open market also

takes time. Further delays have arisen while landlords finalise rent levels and other tenancy terms. Undoubtedly this has been slow and frustrating for survivors.

Many people have chosen to remain in hotels rather than move into temporary accommodation. Some people are reluctant to accept a temporary move when they will then have to move again into permanent accommodation or have had prior poor experiences with the type of substandard temporary accommodation common in London. There have been some concerns that temporary accommodation hasn't met the needs of survivors so they have not been able to accept it.

Progress looks incredibly poor compared to the Prime Minister's promise that everyone would be rehoused within three weeks. However, in Shelter's experience this was probably an overly ambitious pledge. While the rehousing of Grenfell families has been frustratingly slow, it is fast compared to the normal experience of homeless families in London. Due to the chronic shortage of social housing, it is normal for people to spend long periods of time in temporary accommodation, to be forced to move away from their community and to have considerably less choice about the accommodation offered. We welcome Kensington and Chelsea's decision to waive many of the normal rules and procedures for Grenfell survivors.

### **Our services supporting survivors and local residents**

Shelter responded immediately to the Grenfell Tower fire, mobilising a team of housing advisors, solicitors and volunteers from our London Hub to provide rapid support to people affected by the fire. We quickly set up arrangements with partners North Kensington Law Centre, with Kensington Citizens Advice Bureau, and The Housing Law Professionals Association. Our initial response was delivered by staff and managed within existing work and contracts; our priority was to ensure that those affected by the fire were able to access the housing advice and support they needed in an unprecedented and highly chaotic situation.

It was clear that there was a need for longer-term support for the community, and Shelter set up a dedicated service to deliver advice and support for 12 months to those affected by this tragedy. We were also able to allocate a day a week from a specialist solicitor within the London team to work on the legal and policy issues raised.

Since the Grenfell Tower fire, we have been providing a free advice drop-in service in various places within the local community, as well as accepting referrals from local organisations and groups and meeting with local residents.

The team have opened a total of 160 cases, of which 82 are directly Grenfell cases, and 78 others in the community. Many cases are on going and without yet any permanent rehousing for our service users, a reflection on the length of the time for the local authority to assess cases, to secure appropriate properties and to communicate with those affected.

In addition to the local residents who have been directly affected by Grenfell, we are seeing a number of cases of people and professionals encouraged by the presence of the Shelter service to ask for support for longstanding issues, which have gone unaddressed. Where appropriate, we take on these cases or refer to relevant Shelter teams for advice.

### **Remedial works for unsafe cladding**

Certain cladding systems, which combine aluminium composite material (ACM) panels with particular types of insulation, have been found to be unsafe and 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 April 2018, with data correct as at 12 April<sup>1</sup>:

- 317 buildings over 18m were confirmed to have ACM cladding installed or previously installed as of 12<sup>th</sup> April 2018. Of these, 304 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.
- 65 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 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 23<sup>rd</sup> April 2018:

- 104 have started remediation;
- Of these, a total of 7 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>;

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<sup>1</sup> Building Safety Programme Monthly Data Release, Ministry of Housing, Communities & Local Government, 27 April 2018, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/703188/Building\\_Safety\\_Data\\_Release\\_-\\_April\\_2018\\_final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/703188/Building_Safety_Data_Release_-_April_2018_final.pdf)

<sup>2</sup> Building Safety Programme Monthly Data Release, Ministry of Housing, Communities & Local Government, 27 April 2018, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/703188/Building\\_Safety\\_Data\\_Release\\_-\\_April\\_2018\\_final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/703188/Building_Safety_Data_Release_-_April_2018_final.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,

- 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>

## 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 offering crucial emergency funding.

## Hackitt Review and desktop studies

Dame Judith Hackitt is due to publish her report on building regulation and fire safety any day now. The Interim Report<sup>9</sup>, published in December 2017, highlighted the flaws in our current systems and called for improvements to the way materials are marketed, clarity around regulation and increased professionalization of the building safety industry. Many are not anticipating recommendations for significant regulatory change, which will satisfy some and frustrate others.

Currently, our building regulation and fire safety systems are largely performance-based and rely heavily on industry interpretation. Some organisations, such as RIBA<sup>10</sup> and the LGA<sup>11</sup> are calling for a more

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[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%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%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>

<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>

<sup>9</sup> Ministry of Housing, Community and Local Government, Independent Review of Building Regulations and Fire Safety: interim report, December 2017, <https://www.gov.uk/government/publications/independent-review-of-building-regulations-and-fire-safety-interim-report>

<sup>10</sup> Royal Institute of British Architects, 'RIBA submits evidence and recommendations to the Independent Review of Building Regulations and Fire Safety', <https://www.architecture.com/knowledge-and-resources/knowledge-landing-page/riba-submits-evidence-and-recommendations-to-review-of-building-regulations-and-fire-safety>

prescriptive system, which would more clearly state how buildings should be constructed in order to meet safety regulations. For example, the sorts of more prescriptive regulation suggested have included requiring tall buildings to be fitted with sprinklers or for combustible wall systems to be banned outright.

We are watching carefully for the Hackitt Review's final recommendations and do not want to jump to conclusions before the report is even published. However, we believe that given over-reliance on industry self-regulation has led to unsafe buildings being constructed, clear change is needed.

In addition to the Hackitt Review's final report, government is also currently consulting on how to implement one of the recommendations from the Review's interim report, on the use of desktop studies. There has been widespread criticism of the use of desktop studies due to them not being rigorous enough.

The principle of a desktop study is to use data from these previous actual, real-life (controversial) large-scale tests, to extrapolate how a cladding/insulation system *would* perform *if* it were tested. The materials themselves are never tested together.

It is our view that, if combustible materials are not going to be themselves prohibited, the testing requirements must be made significantly more rigorous. For this reason, we believe desktop studies should be banned. At present, they provide a cheap, accessible but not wholly accurate route for contractors to grasp the level of combustibility with the combination of materials that are being used to create a building. We will be responding to the consultation stating this view.

### **Grenfell Inquiry**

We welcome the inquiry into the fire and are glad it is finally underway, it will be important in looking at how the fire started and why it spread – and it's vital to make sure the residents are heard throughout the process. But we also need a national conversation about some of the broader issues of policy and our society that this tragedy has highlighted. We also need to examine the role of the management organisation, and wider issues around the treatment of social housing and its tenants.

We also welcome the panel being part of phase 2 of the inquiry and note that was asked for by the community. The priority must be giving voice to those in the Grenfell community and other similar communities who have been ignored for far too long.

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

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<sup>11</sup> Local Government Association, 'LGA responds to Hackitt Review interim report into building regulations and fire safety', December 2018, <https://www.local.gov.uk/about/news/lga-responds-hackitt-review-interim-report-building-regulations-and-fire-safety>