



**NFCC**  
National Fire  
Chiefs Council

The professional voice of the  
UK Fire & Rescue Service

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Mr Clive Betts MP  
Chair  
Housing, Communities & Local Government Select Committee  
House of Commons  
SW1A 0AA  
United Kingdom

Sent via email to: [hclgcom@parliament.uk](mailto:hclgcom@parliament.uk)

18 May 2020

Dear Mr Betts,

**Call for Evidence:** *Cladding: progress on remediation*

- 1.1. The National Fire Chiefs Council (NFCC) is the professional voice of the UK fire and rescue services and is comprised of a council of UK Chief Fire Officers. NFCC drives improvement and development throughout the UK FRS, while supporting strong leadership – including for the devolved administrations.
- 1.2. The NFCC's Building Safety Programme team provides effective support and technical advice to the Government's Building Safety Programme, which was established in the wake of the Grenfell Tower Fire, and includes support to develop the proposals made in response to Dame Judith Hackitt's Independent Review of Building Regulations and Fire Safety.

## 2. Summary

- 2.1. In the almost three years since the Grenfell Tower fire, NFCC has worked with the Government to help coordinate action in buildings with combustible ACM cladding on both social and private housing blocks.
- 2.2. We welcome the steps that have been taken to date to address these issues however it is clear the pace of remediation has not moved quickly enough. The Government has banned combustible materials on residential buildings greater

than 18m in height, funded the removal of ACM cladding, set up and funded the Joint Inspection Team (JIT), amended the Housing Health and Safety Rating System (HHSRS), and acknowledged the dangers posed by some forms of non-ACM cladding and provided £1bn to remediate it.

- 2.3. Disputes about who should pay the costs continue to create barriers to remediation, although it is clear this is not the only barrier which exists. Other issues persist such as the lack of available test methods for the fire performance of some construction products, and a shortage of sufficiently competent persons in the sector, which produce additional challenges.
- 2.4. What is clear is that until remediation is complete, leaseholders face significant challenges from living in buildings with increased fire risk. In this regard, we support all efforts to examine ways that the barriers to remediation can be addressed and removed in order to increase the pace of remediation.
- 2.5. This is a crisis resulting from over twenty years of inadequate building safety regulation. Whole system reform is needed, as identified by the Independent Review, to address the broken system.

### **3. Is the Government's new £1 billion remediation fund sufficient to address all remaining concerns in high-rise and high-risk buildings?**

- 3.1. No. While there are other parties who may be better placed to comment on this, such as our colleagues in the Local Government Association (LGA), it seems unlikely that the funding made available to date would be sufficient to address all remaining concerns in high-rise and high-risk buildings which would include hospitals, care homes and specialised housing. If remediation projects were to cost £2m on average this may be sufficient to cover around 500 buildings, however we understand anecdotally from our members that some remediation projects can cost significantly more than this.
- 3.2. In addition, we do not yet know how many residential buildings over 18 metres will be found to have combustible non-ACM cladding. The survey councils are conducting for MHCLG to establish this figure is not yet complete, and in many cases 'unknown' returns have been submitted. This may relate to the difficulties referred to above that identification of some types of construction products can be very difficult.
- 3.3. The NFCC is, therefore, not able to accurately comment at this time on the likely prevalence of other types of combustible cladding, however we understand from the experience of our members that products such as high-pressure laminate (HPL) are not uncommon in the built environment.
- 3.4. The Government fund only applies to cladding, yet there are many more issues that building owners face as a result of the failure of the building safety system. Other issues can include non-compliant fire doors and inadequate fire stopping compromising compartmentation.

- 3.5. Several of the worst recent fires in residential blocks have taken place in buildings under 18 metres, such as at the Cube student residence in Bolton. There are estimated to be 100,000 buildings between 11 and 18 meters high.
- 3.6. Since the ban on combustible cladding came into force our members have not witnessed the universal culture change expected, and continue to see 'gaming' of the system. For example, some design teams are proposing designs with the height of the building intentionally millimetres under the ban threshold, while admitting that this is intentional to seek flexibility with the materials used. This demonstrates that some within the industry are still not designing with safety in mind and are doing the very least required to achieve compliance.
- 3.7. We anticipate that a number of buildings falling beneath thresholds in guidance (such as 18m) will require expenditure to address similar fire safety issues that we have referred to above.

#### **4. What lessons should be learned from the administration of previous funding mechanisms?**

- 4.1. A risk-based approach would be preferable under which money is spent on the measures that will be needed to reach acceptable levels of building safety. For example, in some blocks it could be more effective to fund the retrofitting of sprinklers than to attempt to fix all faults. However, individual judgements would need to be taken by those with acceptable levels of competence.
- 4.2. NFCC would support remediation being prioritised for those buildings which have needed to temporarily suspend their stay put strategy and move to simultaneous evacuation strategy, including those which have needed to employ the use of waking watches. These buildings present the highest risk and we would encourage exploration of any mechanisms which might be available to incentivise or support these buildings to be fixed first.
- 4.3. As above, disputes about who should pay the costs of remediation seem to continue to create barriers to remediation, although it is clear this is not the only barrier which exists.
- 4.4. What is clear is that until remediation is complete, leaseholders face significant challenges from living in buildings with increased fire risk. In this regard, the NFCC would support further exploration of options which could enable or incentivise the remediation of buildings so that fire risks may be removed as quickly as possible, with mechanisms for resolving who pays afterwards.

#### **5. Will the new External Wall Fire Review process for the valuation of high-rise properties be effective in improving access to buildings insurance and mortgage finance for leaseholders?**

- 5.1. The External Wall Fire review process is only for buildings over 18m whereas the new consolidated advice note from the Expert Panel talks about buildings

at any height. Although this form may have some success the issue within the industry means that until all buildings regardless of height are remediated and are made safe and the new building safety regime is in operation, NFCC believe insurance and mortgage sectors may still be hesitant to insure and mortgage these properties.

- 5.2. Lack of sufficiently competent persons and a lack of regulatory oversight of competency across the market will also slow down resolution of these issues. A robust system of occupational regulation across the building and fire safety sector needs to be introduced and bought forward at pace, and any system needs to have the appropriate teeth and policy levers to affect real change.
- 5.3. This will help to restore confidence in the market as well as reinforce the capacity of appropriate skills. The legislative changes, implementation time and skills pipeline which are required to achieve the level of change needed will have a long lead-in time and it is imperative that this is expedited. NFCC looks forward to reviewing proposals in the proposed Building Safety Bill on these matters in due course.

## **6. What additional challenges have been presented by the coronavirus pandemic and how might these be overcome?**

- 6.1. The social distancing measures necessitated by COVID-19 have limited the pace of remediation, with up to 70% of ACM remediation sites possibly impacted, although we understand now that a number of these remediation sites have been re-opening.
- 6.2. NFCC has supported the Government's commitment to ensuring building safety work continues during the pandemic where this can be done safely and in line with public health guidance. This has included publication of our own COVID-19 guidance across a range of relevant FRS enforcement and advice functions.
- 6.3. COVID-19 also poses challenges to audits and inspections under the Regulatory Reform (Fire Safety) Order 2005. NFCC has advised FRSs to take a risk based approach to their regulatory activities in line with our advice to protect the integrity of front-line response capacity by scaling back and/or stopping protection activity unless it is essential and a significant high risk exists. It is possible that the developing market around remediation could result in time delays (as the industry restarts) and more expense as items such as PPE and insurance could force remediation costs up.

- 6.4. We also understand from our members that arranging visits to buildings has been difficult in some cases due to the lack of availability of Responsible Persons who are self-isolating. NFCC's full COVID-19 guidance is available on our website: <https://www.nationalfirechiefs.org.uk/COVID-19>

We trust the attached submission is helpful and welcome further discussions following the outcome of the consultation.

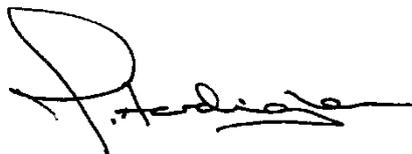
Yours sincerely,

**Roy Wilsher**



**Chair, National Fire Chiefs Council**

**Mark Hardingham**



**NFCC Protection and Business Safety  
Committee Chair**