

Multimedia journalist of the year

The Housing Podcast team - Pete Apps, Nathaniel Barker, Sophie Barnes and Luke Barratt

Note to judges: The Housing Podcast has at all times been a collaborative between Inside Housing's news desk, even when not clearly bylined as such

The Social Housing Green Paper – news and podcast

<https://www.insidehousing.co.uk/comment/comment/did-the-green-paper-address-concerns-raised-by-tenants-on-alok-sharmas-roadshow-57657>

<https://www.insidehousing.co.uk/news/news/league-tables-and-sharper-teeth-for-regulator-in-social-housing-green-paper-57559>

<https://soundcloud.com/insidehousing/ranking-the-social-housing-green-paper>

The Social Housing Green Paper was billed by government as the “most significant paper of its kind for a generation”. It was absolutely core to *Inside Housing's* readership.

As well as multiple forms of online content including blogging and news reporting, the story also gave *Inside Housing* the opportunity to use its new podcast series *The Housing Podcast* to reach an entirely new audience. This podcast, devised, recorded and edited by the *Inside Housing* news team has been a major success for the magazine this year. It began with just 80 listeners on its first episode, but now averages around 500 a week. In total, its episodes have been played more than 14,000 times since launch in February – with listening figures rising each month.

This episode is its most popular to date – with more than 900 listeners tuning in.

The building regulation paper trail and podcast

<https://social.shorthand.com/insidehousing/3CWytp9tQj/the-paper-trail-the-failure-of-building-regulations>

<https://soundcloud.com/insidehousing/building-regulations-the-paper-trail>

Inside Housing's remarkable ‘Paper Trail’ article on building regulations showcased the best of the magazine’s investigative journalism – but also, the best of its burgeoning multimedia offer. The story was hosted on ‘Shorthand’ a new content platform used by sites such as the BBC and ESPN for long read articles. It makes creative use of images and video – presenting an easy to read piece which was important for such a complex piece of work.

This has helped its resounding success. The piece has been viewed more than 50,000 times, helped BBC Panorama launch an investigation, has been used by the lawyers representing survivors and has even been translated into German.

The podcast episode, presented by Nathaniel Barker and featuring interviews with the authors of the piece, puts the team’s expert knowledge and ability to explain complex issues in clear language to the fore.

The Hackitt Review – news and podcast

<https://www.insidehousing.co.uk/insight/insight/dame-judith-hackitt-the-interview-56354>

<https://soundcloud.com/insidehousing/the-hackitt-review-of-building-regulations>

Inside Housing was first to break the news of the headline recommendations of the Hackitt Review of Building Regulations, and when the report was released it gave the team the opportunity to explore its new multimedia approach.

Offered an interview with Dame Judith Hackitt, the team wrote up the interview transcript and then incorporated the audio into a podcast episode which broke its listening record at the time and brought its series to the attention for a new audience, who had been keen to hear what Dame Judith had to say.



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Did the green paper address concerns raised by tenants on Alok Sharma's roadshow?

COMMENT 23/08/18 BY PETER APPS

Did the government listen to tenants' concerns? Peter Apps rates different parts of the proposals out of 10



Sharelines

How will did the green paper address tenants' concerns? @PeteApps rates different parts of the proposals out of 10 #ukhousing

"The truth is that the stigma of social housing tenants has not happened in a vacuum separate from government policy." @PeteApps assesses whether the government has listened to tenants #ukhousing



Pete Apps is the news editor at *Inside Housing*



Last week's *Social Housing Green Paper* was developed in a starkly different way to previous Conservative housing policy documents.

Rather than rely on thinktanks, industry consultation or the whims of George Osborne, this time the housing minister was sent out to talk to social housing tenants about what they wanted.

In the aftermath of Grenfell, some of this was clearly about optics. The government wanted to look like it was listening to people who felt ignored. But did it really listen?

Analysing this was always going to be difficult. The government refused all requests to allow media representatives to attend the roadshows and published no summary of the issues raised.

Therefore *Inside Housing* worked backwards, contacting tenants who attended and asking them what was raised.

Eventually we received a copy of a letter from former housing minister Alok Sharma, outlining the concerns raised at one session.

This provides the only – if a slightly incomplete – framework to assess how well the final green paper delivered against tenants' concerns. In the letter, he listed seven areas. And so it is these we will use to score the green paper.

1. Stigma

Mr Sharma's letter notes that he was told "tenants felt strongly about the need to address negative perceptions associated with social housing". This is something the final paper dedicates an entire chapter to addressing, but sadly the ideas don't quite match the column inches.

Proposals to launch a 'best neighbourhood competition' and win a street party can at best be described as fluffy and at worst tin-eared and patronising.

The rest of the chapter does little more than pose questions about how social landlords could become better at neighbourhood management, without much by way of potential answers.

"The truth is that the stigma of social housing tenants has not happened in a vacuum separate from government policy."

In some ways this was always going to be a difficult problem for a policy paper to grapple with. You can't legislate away bigots or undo entrenched negative stereotypes with a consultation.

The truth is that the stigma of social housing tenants has not happened in a vacuum separate from government policy.

The welfare cuts of recent years have exacerbated poverty and deliberately pandered to the worst stereotypes held by Middle England about benefit claimants. Homeownership has always been labelled the pinnacle of aspiration by minister after minister – with the obvious implication that the inverse is true.

As recently as January 2016, an official government press release pledged to demolish and rebuild the country's "sink estates".

David Cameron gave his name to an accompanying quote with a view of social housing gleaned straight from corny urban drama. "Step outside in the worst estates and you're confronted by brutal high-rise towers and dark alleyways that are a gift to criminals," he said.

"Decades of neglect have led to gangs and anti-social behaviour. And poverty has become entrenched, because those who could afford to move have understandably done so."

Perhaps then, the most meaningful thing the government could have done on stigma would be to acknowledge, apologise for and promise to address the role its own policies and rhetoric have played in creating it.

Street party awards will achieve little.

1/10

2. Affordable and supported housing stock

"Tenants felt that affordable rents are not really affordable," Mr Sharma noted in his letter. While an obvious point to anyone following housing policy, a Conservative minister putting this in black and white was

something of a revelation. It was not, however, a concern that was reflected in the green paper.

The chief criticism of the document in the mainstream press is that it has no muscular policies on supplying new homes and crucially no cash.

Should policymakers have wanted to move away from the affordable rent regime in the paper, then they would have needed to knock on the door of the Treasury for sign-off on higher grant rates and an end to the process of 'converting' lower social rents to affordable in order to make up for low levels of government funding.

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What Alok Sharma was really told by tenants

Who knows whether this approach was made? If it was, it wasn't successful, because there is nothing at all in the document about the difference between social and affordable rents.

Since the launch of the roadshows the government has committed to funding some social rent again, both directly and through Sadiq Khan's London programmes. It also gives welcome confirmation that existing social housing will not be sold off under the high-value asset levy.

This is certainly progress, but there is also the sense of opportunity lost.

3/10

3. Investment and safety

"The view was expressed that a lack of central government investment has led to cuts in services and safety standards falling," wrote Mr Sharma, in another unusually candid acknowledgement of his own regime's shortcomings.

There is some cheer here in the green paper. While it was somewhat buried, the suggestion that the Decent Homes Standard could be revised for the first time since 2006 is a major shift.

This would be an opportunity for the government to prescribe higher standards across the social housing sector, and may well result in funding commitments to achieve them – which have gone hand in hand with Decent Homes programmes in the past.

"On the safety side though, more immediate action is needed."

What is possibly more significant is the tonal shift. Conservative policy documents on housing have been really all about supply, and specifically the supply of homeownership.

To turn their minds to existing social housing stock and investing in making it better – a priority typically associated with Labour administrations – is evidence that at least some areas of government are taking seriously the need for change.

These are not concrete ideas yet, there is no funding yet. But talking about Decent Homes again is a welcome step.

That's the investment side. On the safety side though, more immediate action is needed. There is spiralling evidence of a systemic issue with fire doors.

Many buildings – private and social – are still clad with flammable materials. Windows and insulation systems pose undiscovered fire risks.

Post-Grenfell, this requires swift action, not consultation, and the government has been too slow too often.

5/10

4. Community

"Attendees noted the need to address isolation and better understand how a lack of opportunities for local residents can contribute to the fragmentation of communities," wrote Mr Sharma.

It is tempting to file this in the same bracket as tackling stigma, in the sense that it is an objective which is simply bigger than a policy paper.

Isolation and fragmented communities probably have their heart in the way our economy has left certain communities behind over the past 30 years and that isn't something the Ministry of Housing, Communities and Local Government can reverse.

The introduction of lots of short-term private rented housing to many estates through the vehicle of the Right to Buy has not helped, but this paper was never going to reverse the Right to Buy.

In the substance of what it has suggested, responsible neighbourhood management and tackling anti-social behavior will be included as metrics for the new league tables. Although how you sensibly measure and compare this is a problem left to be solved later.

Elsewhere the paper simply posed the question: "How are landlords working with local partners to tackle anti-social behaviour?" A policy the government wants to address, but not one it has many ideas on – yet.

2/10

5. Communication and tenant voice

The paper is also extremely light on detail about how to improve the crucial issue of resident engagement.

"Are current resident engagement and scrutiny measures effective? What more can be done to make residents aware of existing ways to engage with landlords and influence how services are delivered?" it asks.

It may be unfair to criticise a green paper for not being specific enough, but this is an area where the paper is so green as to be positively verdant.

"It is disappointing not to see something more concrete."

It has no clear policy proposal at all, and really just repeats a question which it was set up to ask. Considering a year has been spent on the development of this document, it is disappointing not to see something more concrete.

It also floats the idea of "stronger representation for tenants at a national level". The National Tenant Voice was set up to do precisely this job by Gordon Brown in February 2010 and was scrapped as soon as the Conservatives came to power in July of that year.

You can spin this in one of two ways. One: it is interesting to see the government pendulum swinging back in a direction it has previously ignored, and indicative that this marks a genuine break from the approach of the past eight years. Or two: it is frustrating to be back at the early development stage of an idea that has already been implemented and abandoned once this decade.

Whichever side you come down on, it merits no more than **4/10**.

6. Quality of service

Mr Sharma's letter notes "standards are still low" in terms of service delivery and that "there are no clear ways for management to be held to account". This is an area the green paper very much wants to deal with: it is something the survivors of the Grenfell Tower fire are adamant must be addressed.



The plan is, essentially, to give the regulator power to intervene on tenant services. As with the above paragraphs on the National Tenant Voice, this would mean the reversal of decisions made in 2010. That era saw the regulator reformed to focus almost exclusively on economic issues. Consumer affairs – repairs, neighbourhood management, services etc – fell

consumer affairs – repairs, neighbourhood management, etc. These are – for under a ‘serious detriment’ test, and the regulator was told fairly clearly not to bother too much with them.

“Will the regulator be expected to investigate and intervene on specific complaints by tenants, or will the Housing Ombudsman Service be given a boosted role in that respect?”

The pendulum will clearly move now though, post-Grenfell, and the regulator will be given some power to intervene more directly in issues which affect tenants.

Will this be through the simple process of including service delivery in in-depth assessments? Will a specific consumer standard be introduced? Will the regulator be expected to investigate and intervene on specific complaints by tenants, or will the Housing Ombudsman be given a boosted role in that respect?

The government clearly wants to get the balance right here. It has legitimate pressure from survivors of the fire and tenant groups to act. It will also weigh the views of lenders and financiers who value the security provided by economic regulation. Neither will it want to make housing associations so focused on service delivery that they forget about new supply. It is a delicate balance, but one where a sense of direction and travel has at least been struck.

6/10

7. Welfare and benefits

The elephant in the spare bedroom. All of those who went to the tenant roadshows said issues around welfare, particularly Universal Credit, were central to the discussion.

The fact that this got a cursory one sentence in Mr Sharma’s letter suggests he knew there would be no action resulting from the Social Housing Green Paper, and so it has proved.

The green paper actually finds time to praise Universal Credit, saying it “supports the rebalancing of power between residents and landlords in the social sector”.

Well it may do, but only in the instances where it is paid in full and on time. Sending someone to a food bank while they wait for their first benefit cheque does nothing for stigma. Putting them in arrears does nothing for their relationship with their landlord. A broken welfare system does not help integrate communities.

This is an issue the Social Housing Green Paper never had the remit to cover. But many tenants will wish it did.

0/10

Average score: 3/10

Peter Apps, news editor, Inside Housing

Listen to a discussion about the Social Housing Green Paper on The Housing Podcast:



The screenshot shows a SoundCloud player interface. On the left is the 'INSIDE HOUSING THE HOUSING PODCAST' logo. The main area displays the podcast title 'The Housing Podcast' and the episode title 'Rating the Social Housing Green Pa...'. There is a play button icon, a 'Share' button, and a 'Cookie policy' link at the bottom left. The play count '946' is visible at the bottom right.

Social Housing Green Paper: full coverage





All our Social Housing Green Paper coverage in one place:

Green paper measures are not enough to create May's 'new generation' of council homes Green paper proposals are welcome but much more is needed to support councils to build, writes *John Bibby*

Green paper shows ministers now sees associations as trusted partners Focusing on the failure of the green paper to address supply misses the point, writes *Boris Worrall*

Government should focus on building on what is already strong *Philippa Jones* considers the Social Housing Green Paper through a slightly different lens

We need more than a week of delayed announcements bundled together *Jules Birch* reflects on the government's 'Housing Week' announcements

The regulator should monitor how associations assist homeless people Government announcements this week are positive, but any enhanced role for the English regulator should include looking at homelessness prevention work, argues *David Bogle*

The regulator's role should be limited to dealing with systemic failures *Julian Ashby* suggests the Housing Ombudsman Service should deal with all complaints

The green paper shows ministers are in listening mode Despite some glaring omissions, the government appears to be in listening mode and it is important the sector takes advantage, argues *Emma Maier*

A short history of social housing league tables Attempts to create league tables for housing associations are nothing new. *Mervyn Jones* looks at how they have worked in the past

League tables could prove blunt and counter-productive, sector warns Housing figures criticise government proposals to measure social landlords against performance indicators

Government 'must decide how proactive regulator should be' on consumer standards Ministers now face a dilemma over the regulator's focus, sector figures say

The Green Paper: a golden opportunity missed? *Melanie Rees* assesses the Social Housing Green Paper against recommendations drawn up by the Chartered Institute of Housing and finds the government comes up short

Longer strategic partnerships and guaranteed debt to boost social housebuilding The Social Housing Green Paper outlines key ways of boosting supply

The green paper is remarkable progress but it is still not enough The green paper suggests the government appears to be re-writing much of its policy since 2010, but more needs to be done, writes *Jules Birch*

Green paper marks a "milestone" on resident involvement The government's recognition residents need clear information is to be welcomed, now it up to the sector to embrace tenant involvement, writes *Paul Hackett*

Ministers consider stock transfer programme to community-led associations The stock transfer programme could be revived under proposals in the housing green paper.

Access to housing grant could be tied to new league tables Grant could be awarded according to how well landlords meet performance indicators, the paper suggests

Ofsted-style regulation of tenant services proposed The government is considering expanding the Regulator for Social Housing's remit to intervene over tenant services and give it a more "proactive approach to enforcement"

Government proposes dropping one-for-one Right to Buy replacement commitment A consultation paper published alongside the green paper proposes a broader measurement to replace the one-for-one pledge

A list of recent housing policy u-turns The green paper confirms yet more housing policy u-turns from the government, which has spent the last two years dropping policy ideas developed under the David Cameron government. Here is a rundown of the major changes in policy direction

Sector welcomes green paper but calls for more 'ambitious investment' Reaction to the proposals, from the National Housing Federation, Chartered Institute of Housing and more

Morning Briefing: reaction to Green Paper announcements how the media reported the proposals trailed by the government overnight

Government drops plans to force councils to sell higher-value stock The government drops plans to force councils to sell higher value homes

League tables and 'sharper teeth' for regulator in social housing green paper Ministers reveal some of the things in the paper ahead of its publication

Grenfell survivors: green paper does not go far enough survivors of the Grenfell Tower fire have said the measures published in the Social Housing Green Paper do not do enough to rectify issues in the social housing sector.

KEY PROPOSALS IN THE SOCIAL HOUSING GREEN PAPER

- › New 'league tables' of housing providers based on key performance indicators, surrounding services such as repairs and neighbourhood management. This could be linked to housing grant.
- › Consideration to scrapping of the current 'serious detriment' test, to allow 'Ofsted-style' tougher consumer regulation
- › New home ownership options such as allowing tenants to buy as little as 1% of their property each year through shared ownership. This would only apply to new shared ownership purchases.
- › Ditching of plans to force social landlords to offer fixed term tenancies rather than lifetime tenancies in social housing
- › Ditching of plans to force councils to sell off their most valuable social housing when it becomes vacant
- › The potential introduction a new stock transfer programme from councils to 'community-led' housing associations
- › The return of guaranteed debt funding to help the development of affordable homes, and longer term 'strategic partnerships' for developing housing associations

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League tables and 'sharper teeth' for regulator in Social Housing Green Paper

NEWS 14/08/18 12:02 AM BY NATHANIEL BARKER

League tables for housing associations and "sharper teeth" outlined in the government's much-delayed Social Housing Green Paper, to be published today.



Sharelines

- ▶ Government launches Social Housing Green Paper #ukhousing
- ▶ Social Housing Green Paper includes league tables and shared ownership reforms #ukhousing
- ▶ Government launches review of social housing regulation alongside green paper #ukhousing

Ministers have billed the green paper, announced by former housing secretary Sajid Javid in the wake of the Grenfell Tower fire last year, as a "new deal" for social housing residents.

As well as league tables – which *Inside Housing* revealed were being considered last month – it proposes giving the Regulator of Social Housing "sharper teeth" to intervene to "ensure social homes are well managed and of decent quality".

It would also allow new buyers of shared ownership homes to staircase up their ownership in purchases just 1% of their home each year.

Survivors of the fire described the proposals as "not going far enough" to deal with their concerns.

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Government 'must decide how proactive regulator should be' on consumer standards



Green paper must focus on social landlords' entire operating environment



Grenfell survivors: green paper does not go far enough



Morning Briefing: Tpas outlines six asks of ministers for the green paper

It is understood that councils were also briefed that the green paper drops the high value asset levy, which would have seen local authorities forced to sell off their most expensive homes to pay for the extension of the Right to Buy for housing associations.

However, as preview copies of the green paper were not made available by the Ministry of Housing, Communities and Local Government (MHCLG) this has not yet been confirmed.



Housing secretary James Brokenshire said: "Providing high quality and well managed social housing is a core priority for this government.

"Our green paper offers a landmark opportunity for major reform to improve fairness, quality and safety for residents living in social housing across the country.

"Regardless of whether you own your home or rent, residents deserve security, dignity and the opportunities to build a better life."

KEY PROPOSALS IN THE SOCIAL HOUSING GREEN PAPER

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- Consideration to scrapping of the current 'serious detriment' test, to allow 'Ofsted-style' tougher consumer regulation
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- The potential introduction a new stock transfer programme from councils to 'community-led' housing associations
- The return of guaranteed debt funding to help the development of affordable homes, and longer term 'strategic partnerships' for developing housing associations

A separate consultation on the use of Right to Buy receipts was also launched today.

The government said it wants the green paper to "rebalance the relationship between tenants and landlords, tackle stigma and ensure that social housing can be both a safety net and springboard into home ownership".

It is based around five "core principles": 'a safe and decent home', 'swift and effective resolution', 'empowering residents', tackling stigma and celebrating thriving communities' and 'building the social homes that we need'.

Views from more than 8,000 social housing residents were gathered to inform the green paper, including through a series of roadshows held by former housing minister Alok Sharma, as well as his successor Dominic Raab.

kaab, who has now been replaced by Kit Malthouse.

The new policies outlined are currently proposals, with a consultation on the document open until 6 November.

The green paper, announced last September, was initially expected to appear in early 2018 following a series of tenant roadshows carried out by then housing minister Alok Sharma.

A letter, leaked to *Inside Housing* following one of these meetings, show tenants raised concerns about the definition of 'affordable rent' with the minister, among other concerns.

After Mr Sharma was shuffled out of the housing brief, MHCLG committed to publishing "by spring".

Mr Brokenshire then told MPs in June that it would be released by the time parliament entered summer recess on 24 July.

"This green paper is a step towards delivering more social homes but it is only a small step, compared with the huge and immediate need for more genuinely affordable homes," said Judith Blake, leader of Leeds City Council and housing spokesperson for the Local Government Association.

"The government must go beyond the limited measures announced so far, scrap the housing borrowing cap, and enable all councils, across the country, to borrow to build once more."

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Dame Judith Hackitt: the interview

INSIGHT 17/05/18 3:44 PM BY SOPHIE BARNES

Dame Judith Hackitt spoke to *Inside Housing* shortly after releasing her much-anticipated review of building

INSIGHT 17/05/18 3:44 PM BY SOPHIE BARNES

Dame Judith Hackitt spoke to *Inside Housing* shortly after releasing her much-anticipated review of building regulations. An abridged transcript of the interview follows.



Dame Judith Hackitt

Sharelines

 Dame Judith Hackitt: the interview

Inside Housing: Can you tell me, when you were doing the review, who told you that desktop studies shouldn't be banned?

Judith Hackitt: I've heard a variety of views. Some of the people who said they shouldn't be banned for very small changes and that seems to make sense to me, but as I've said, I didn't come back to it in this review because this is an issue that's out for consultation. sense to me, but as I've said, I didn't come back to it in this review because this is an issue that's out for consultation.

The fundamental point about desktop reviews is that if you're going to do them, the person doing them has to be competent, they have to be properly recorded, they have to be open to scrutiny and that's what an effective system looks like.

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The Hackitt Review: key recommendations at a glance



Final Hackitt report calls for new regulatory body but does not ban combustibles



Hackitt would support combustibles ban, despite not calling for one in review

IH: In a letter to the CLG committee you described using materials of limited combustibility as “undoubtedly the low risk option”, as opposed to large scale testing. Why are you saying that the testing regime can still go ahead if you think it's the higher risk option?

JH: It's a statement of fact isn't it, that if you use non-combustible materials you are eliminating the risk associated with that.

If you choose to go the other route then you've got to go on to do all the other things we've talked about, doing the full test and even then you have to ensure that the people who install it are competent because what we know, from the evidence that's coming to light, is that this is not just about specifying the right materials but the way in which they're installed and everything else.

IH: So, surely it's simpler just to go for what you've described as a low risk option?

JH: Yes, that's the point isn't it, that it's better to go for the low risk option. I would caution against looking at one bit of the report in the way you're trying to do at the moment. What I would ask you to focus on is look at this gateway process that I would want to put in place as part my review.

[Download the white paper](#)

IH: In the *Today* interview this morning, you were being asked about a combustible ban and you said you didn't know of any systems containing combustible materials that have passed fire safety tests. In fact, there's actually two of the government tests that did pass and have combustible materials in them. Why did you say that in the interview this morning?

JH: What I meant was I don't know of any combustible materials of the type that were used on Grenfell Tower that have passed the test. I was being asked in an interview, on radio, to talk about a highly technical issue and I said that at the time.

It's very difficult to convey the principles in a two minute, five minute interview when you know as well as I do that this is a very complex subject and there are lots of technicalities around it.

IH: Of course, but as somebody who's been working on this review for nearly a year, I would have thought you'd be really on top of all this stuff.

JH: I have been covering the whole system of regulation, I have not been going into the detail of the technical specifications. If you go back to where I started on this review in July last year, I said then I will not get into the technical detail, I will not be editing and re-writing the detailed guidance and regulations.

My job was, and still is, to provide a framework that will enable others to do that and to enable them to do it quickly now within a new framework for the future.

IH: Following the Lakanal House coroner's inquest, the government was told to review Approved Document B and didn't. Do you think the government should shoulder some responsibility for not tightening up approved document B?

JH: I have not looked at that. I was asked to look forward and look at what needed to be done now.

I think it is for others and, in particular, that's a highly sensitive question that the public inquiry will probably want to address, and I'm not going to comment.

The full interview will be on The Housing Podcast tomorrow.

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The Paper Trail: the Failure of Building Regulations

Pete Apps, Sophie Barnes and Luke Barratt

 Inside Housing
@insidehousing

“My understanding is the cladding in question, this flammable cladding which is banned in Europe and the US, is also banned here.”

*Philip Hammond, chancellor of the exchequer,
18 June 2017*

Grenfell Tower compilation: https://www.youtube.com/watch?v=nph_p6aOR8U

JUST over nine months on from the fire which destroyed Grenfell Tower, the UK remains in crisis.

The dangerous cladding has been found on almost 300 social housing tower blocks and an unknown number of private blocks, hotels, hospitals and schools up and down the country.

And behind the scenes, an almighty row is underway over who is to blame.

Four days after the fire, chancellor Philip Hammond took to prime-time BBC to insist the cladding used on Grenfell was “banned”. Since then, government officials have repeatedly said the material does not comply with building regulations and never did.

Contractors, insurance companies and builders claim its use was permitted. Both sides continue to argue the other should pick up the bill.

While this messy stalemate continues, the people who live in some of England’s

While this messy situation continues, the people who live in some of England's high rises continue to sleep every night knowing a highly flammable plastic is attached to their walls.



Philip Hammond tells Andrew Marr the cladding used on Grenfell was banned (copyright: BBC)

Alongside this battle, the official review of building regulations commissioned by government [is accused of signalling it will not go far enough](#) to make the changes necessary to ensure buildings are kept safe.

Ahead of the release of its full report, expected in May, *Inside Housing* has spent months gathering together documents and interviewing experts from across the built environment sector to try and explain this debate.

This story is split into three sections.

First, an examination of the guidance which appeared to permit the dangerous cladding used on Grenfell.

Second, an in-depth look at how regulations were slowly weakened to permit untested combinations of flammable material to be installed on the outside of many of the country's high rises.

And finally, the story of how an obsession with deregulation meant the warning signs of looming disaster were missed.

We begin with three paragraphs amid the 172-pages of official government guidance at the heart of much of the debate: [Approved Document B](#).





By Pete Apps

THE debate about whether or not the cladding on Grenfell was legal is critical and far from settled.

At the time of writing, the exact same [type of material is wrapped around at least 257 residential tower blocks in the UK](#). And these are just the buildings which have been identified. We may never know the full scale of its use across all sectors, with no means to compel private building owners to carry out or report tests.

[The progress of removal work has been glacial](#). Part of this is about capacity. Part of it is about money. But part of it is because of the ongoing dispute about what the regulations did and didn't permit.

So what is the answer?

This is, in fact, a surprisingly complex question. It certainly isn't as simple as Philip Hammond led us to believe on *The Andrew Marr Show*. At the very least, the official guidance was drafted loosely enough to convince large parts of the industry a material which has been shown to be deadly was entirely legal.

The cladding

The first point to clarify is exactly what we're talking about. In the myriad coverage of Grenfell the word 'cladding' has become a little confused.

To be specific, in this section we are interested only in the aluminium composite sheets stuck to the exterior of the building.

On Grenfell, these consisted of two 0.5mm-thick aluminium sheets fixed to a 6mm-thick core of polyethylene, manufactured by Arconic under the Reynobond brand.

“A kilogram of polyethylene is like about one-and-a-half litres of petrol.”

On Grenfell, these metal sheets were installed in front of insulation made of a plastic called polyisocyanurate, which was attached flush to the walls. In between the two was a cavity gap, there to keep the insulation dry.

It is beyond doubt that these panels are dangerous. This is what Tony Enright, fire safety engineer, said about the material [in evidence to an Australian committee](#)

[investigating a tower block fire linked to a similar material in 2014:](#)

“A kilogram of polyethylene is like about one-and-a-bit, one-and-a-half litres of petrol. If you look at a one metre by one metre square section [of cladding] that will have about three kilograms, the equivalent of about five litres of petrol.”

In government tests after the fire, the panels failed with every combination of insulation it was tested with – even under lab conditions and with [fire barriers three times stronger than the legal minimum commonly used in the industry](#). In the specific combination used on Grenfell, flames ripped through a nine metre rig in less than 10 minutes. *Inside Housing* has seen unreleased video footage of this testing and it is horrifying.

You might think then that a sensible system of building regulations would simply ban its use. But in the UK, it is not so simple.

What the regulations say

Since the mid-1980s, English building regulations have been based on what is known as a ‘performance-based’ system. This means that rather than setting out prescriptive rules or lists of banned materials, the regulations outline broad outcomes which buildings must achieve. It is then, theoretically, up to the industry to decide how to meet these standards.

This change, introduced by Margaret Thatcher’s government in 1985, swept away 306 pages of building regulations and replaced them with just 24.

The current version of these standards is set out in The Building Regulations 2010, available [here](#). In terms of fire spread across the outside of a building it is wrapped up in one sentence, unchanged since its introduction in the 1980s, below:

External Fire Spread
B4.—(1) The external walls of the building shall adequately resist the spread of fire over the walls and from one building to another, having regard to the height, use and position of the building.

The regulations

On the face of it, this aluminium cladding does not meet this standard. But the regulations are not the end of the story.

Approved Document B

Performance-based regulations create uncertainty. While the industry likes the freedom to innovate they provide, it also wants to know what it needs to do to comply.

This is where ‘approved documents’ come in. They are the government’s official explanation of how to meet the requirements of the regulations. It is established as a legal principle that no one can be held liable for breaching regulations if they meet the standards in the approved documents. For fire safety, the relevant document is [Approved Document B](#).

B

VOLUME 2 - BUILDINGS OTHER THAN DWELLINGHOUSES

- B1 Means of warning and escape
- B2 Internal fire spread (linings)
- B3 Internal fire spread (structure)
- B4 External fire spread
- B5 Access and facilities for the fire service

Came into effect April 2007



For use in England*

2006 edition
Incorporating 2007,
2010 and 2012
amendments

The current version of Approved Document B

The relevant passages for this debate are three paragraphs in Section 12, which deal with the construction of external walls. Essentially, these set out two routes for checking whether materials used on high rises are acceptable.

The first of these is known in the industry as ‘the linear route’ and says effectively that the materials used must meet certain standards. If these standards are met, that’s the end of the conversation – they are acceptable for use.

The second route is for materials which do not meet these standards. These, the document says, must undergo large-scale fire safety tests – a process we will examine in the next section. But first, we must consider the linear route.

In paragraphs 12.6 and 12.7 the document sets standards for external walls and insulation. It is in these two paragraphs where all the debate centres.

“These paragraphs will be the most litigated in English legal history,” says one senior industry figure.

Paragraph 12.6 sets the standard for ‘external surfaces’. It says the external walls should “meet the provisions in Diagram 40”. This diagram, below, says materials must be of ‘Class 0’ or ‘Euroclass B’ standard.

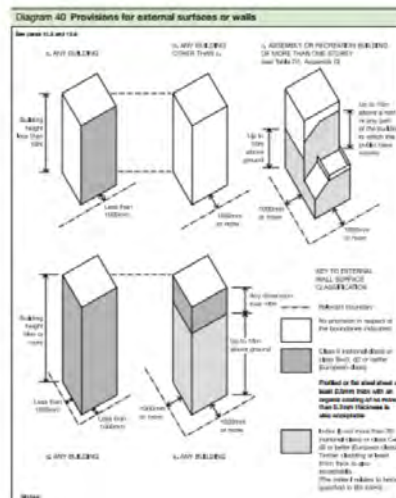


Diagram 40

Paragraph 12.7 on the other hand sets the standard for insulation material. In buildings over 18m, it says, these materials must be of “limited combustibility”.

Insulation Materials/Products
12.7 In a building with a storey 18m or more above ground level any insulation product, filler material (not including gaskets, sealants and similar) etc. used in the external wall construction should be of limited combustibility (see Appendix A). This restriction does not apply to masonry cavity wall construction which complies with Diagram 34 in Section 9.

Paragraph 12.7

These two standards are totally different. Both are set out in a document published by the British Standards Institution titled British Standard (BS) 476. This is not freely available online, but *Inside Housing* has obtained a copy.

BRITISH STANDARD

**BS 476-6:
1989+A1:2009**
*Incorporating
Corrigendum No. 1*

Fire tests on building materials and structures –

BS 476

Limited combustibility, the standard for insulation, requires materials to survive in a 750°C furnace for two hours. This is a rigorous test: it will burn almost all plastics, and would certainly have destroyed the cladding used on Grenfell.

But the other standard, Class 0, is much easier to pass. It requires a pass on two tests: the “surface spread of flame” and “fire propagation”. The first test involves applying heat to a rectangular sample of the material for ten minutes. If flames travel less than 165mm across the sample, the material passes. The second involves testing the heat released when the material is placed into a burn chamber for 20 minutes, but again it is the surface of the material which is exposed.

This means material with a non-flammable surface – such as aluminium – can pass, even if what sits behind it is effectively solid petrol.

What standard was the cladding on Grenfell?

The polyethylene-cored ACM used on Grenfell, and apparently present on hundreds of other buildings, clearly met this standard of Class 0. In 2008, the British Board of Agrément – which issues certificates for materials used in the UK – issued one [confirming Reynobond aluminium and polyethylene panels as Class 0](#).



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Agrément Certificate
No 08/4510

PRODUCT SHEET 1 — REYNOBOND ARCHITECTURE WALL CLADDING PANELS

PRODUCT SCOPE AND SUMMARY OF CERTIFICATE

This Certificate of Confirmation relates to Reynobond Architecture Wall Cladding Panels, aluminium/polyethylene composite panels used to provide a decorative/protective façade over the external walls of buildings.

AGRÉMENT CERTIFICATION INCLUDES:

- factors relating to compliance with Building Regulations where applicable
- factors relating to additional nonregulatory information where applicable
- independently verified technical specification
- assessment criteria and technical investigations
- design considerations



The BBA certificate

A Reynobond document advertises both its fire retardant and polyethylene-cored panels as Class 0 under British regulations.

Reynobond® Architecture and Reynolux® Building certifications.

Reynobond® Architecture certifications in Europe		
France	Cassette: cCSTBc 122-47-36 Riveted/screwed: cCSTBc 37-47-37	
Germany	ÜZ-3/837/06	
Poland	ITB - 1562/JW Atest Hgenczyni HK/B/0665/01/2007	

Fire certificates for Reynobond® Architecture		
Europe	EN 13501	FR: B-s1, d0
France	NF P 92-501	PE & FR: M1 Combustible non inflammable
Germany	DNV 4102	PE: B2 - FR: B1
Switzerland	Directive VdF	PE: 4.2 - FR: S.3
Great Britain	BS-476 part 6 & 7	PE & FR: Class 0
Poland	PN-90/B-02967	FR: NFO
USA	ASTM E 84	Meets requirements
Austria	ÖNORM 3600	FRSS
Russia	TR	FR: G1

Fire certificates for Reynolux® Building		
France	NF P 92-501	FR: M1 Combustible non inflammable

The Reynobond document

So, the crucial question becomes which paragraph of the building regulations applied to the cladding.

If it was the section on 'external walls' then use of the material was perfectly legal.

If it was the section on 'insulation' then it was not. This is the debate which divides the building industry from government.

The industry's view

Many figures in the industry believe the regulations permitted Class 0 cladding.

Senior figures in two major building materials companies have told *Inside Housing* that this was their view before the fire.

“The use of [aluminium composite material] cladding was a common practice in the UK prior to the Grenfell disaster”

This is also the reason insurers have refused to pay out where buildings need the material removed.

“The use of [aluminium composite material] cladding was a common practice in the UK prior to the Grenfell disaster,” BLP Insurance wrote in a letter, seen by *Inside Housing*, to leaseholders of a block in Slough. “Indeed the approved building inspector... confirmed the cladding was installed in accordance with requirements.”

In fact, Sir Ken Knight, the government’s fire advisor from 2007 to 2013 and chair of its independent expert advisory panel set up in the aftermath of Grenfell, signed a document in [2014 which certified another polyethylene-cored aluminium product as Class 0.](#)



The certificate, signed by Sir Ken

A further document, also signed by Sir Ken and amended only three months before Grenfell, says that products with a Class 0 rating “may be used” on buildings above 18m in height.

Field Of Application

In accordance with the guidance in Approved Document B of the Building Regulations for England and Wales 2006, a material with a fire performance classification of Class 0 may be used in the following areas within a building:

1. Wall and Ceiling Linings for unprotected escape routes and rooms
2. Above fire resistant suspended ceilings
3. On external surfaces of multi-storey buildings up to 18m high
4. On external surfaces of multi-storey buildings above 18m high providing that cavity barriers are in situ which comply with Section 9 of Approved Document B of the

The product may be used in the following purpose groups:

Page 3 of 6 Signed
AH/028



Issued: 1st March 2012
Revised: 20th March 2017
Valid to: 31st May 2017

Sir Ken would not have signed these documents personally – as chair of Warrington Certification's impartiality committee, his signature was used on all of its certificates. A spokesperson for Exova explains that this certificate was simply for surface spread of flame, and a limited combustibility rating was also necessary for compliance. But that is not obvious from the document.

Indeed, in the years before Grenfell, it appears the industry believed the non-flammable surface on composite panels was enough to protect buildings.

“There is a flaw in people's thinking about how materials will behave when exposed to flame.”

At another tower block fire in west London in August 2016, composite window panels came apart to expose plywood and polystyrene to a blaze which tore up the side of the block. The fire was not fatal, but [it was a warning sign](#).

After Grenfell, Michael Carlish, the project manager who led this refurbishment work, [spoke out to warn the industry's thinking on panels was “flawed”](#).

“There is a flaw in people's thinking about how materials will behave when exposed to flame,” he told *Inside Housing*. “It's not within the imagination of the [industry] that the panel can come away and expose the flammable materials behind.

“That means they are placing reliance on the covering material, and not thinking about the full additional fire load they are adding to the building.”

When buildings are refurbished on a design-and-build basis, the contractors are responsible for design. If they have entered a low bid to win a public procurement, they are likely to be looking to strip out cost where possible.

In this context, faced with a choice between two materials, and told both complied with building regulations, the incentive is to go for the cheaper one.

As we will see later, there was ample evidence the product posed a risk.

But the guidance was loose enough that it relied on the industry to see this, rather than making it clear that it was illegal.

The government's view

The government's view has shifted after Grenfell.

In 1999, aluminium window panels assisted a fire in ripping up the outside of *Comet Court*, a tower block in Irvine, Scotland, killing one man. As a

Garnock Court, a tower block in Irvine, Scotland, killing one man. At a committee hearing then housing minister Nick Raynsford was asked what standard external cladding panels should meet under building regulations. He said Class 0.

147. We have talked a lot about external cladding. What do you feel about infill such as that that caused the problem at Irvine?
(Mr Raynsford) It is very important indeed that infill materials should meet the standards of non-combustibility particularly in the circumstances I described where the greatest risk is where you have buildings very close to adjacent buildings and where you have high buildings where it is more difficult for fire fighters to gain access. That is why the requirement for Class 0 surface spread of flame rating must apply in those cases.

Proceedings from the 1999 committee hearing

When the committee reported back, they were also clear that this was the standard the regulations set. The report they published, [available here](#), said:

“External surfaces (and hence cladding) more than 20 metres from ground level should be ‘Class 0’, to reduce the risk of fire at heights which are difficult to reach from firefighting operations on the ground.”

This was never contradicted by a later government.

In fact, after six people died in the Lakanal House fire in south London in 2009, Brian Martin, the civil servant with primary responsibility for Approved Document B, was [asked](#) what standard panels on the outside of a high-rise should meet. He also said Class 0.

19 Q. So for the walls above 18 metres above ground level,
20 they were required to be Class 0; is that right?
21 A. That's right.
22 Q. Just for clarification, that would be panels but also
23 any window frames or glass itself; is that right?
24 A. From recollection, there are exclusions for small parts,
25 small components of the external envelope, but generally

Brian Martin evidence at the Lakanal Inquest

But in the aftermath of Grenfell, this suddenly changed.

“The government is playing Humpty Dumpty with words.”

On 22 June, just eight days after the fire, the Ministry of Housing, Communities and Local Government wrote to social landlords claiming the standard for cladding was limited combustibility.

It said the plastic polyethylene in between the aluminium sheets was “filler” and therefore covered by Paragraph 12.7 of the Approved Document, which references “insulation, filler material... etc”.



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Local Government

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To Local Authority Chief Executives and
Housing Association Chief Executives
By Email

22 June 2017

Safety checks following Grenfell Tower fire

Melanie Dawes' letter after Grenfell

“For the avoidance of doubt,” [wrote Melanie Dawes, permanent secretary for the Ministry of Housing, Communities and Local Government](#), “the core (filler) within an aluminium composite material (ACM) is an ‘insulation material/product’, ‘insulation product’, and/or ‘filler material’ as referred to in Paragraph 12.7... of Approved Document B.”

Since then the government has been resolute in all its public statements that regulations demanded cladding be the higher standard of limited combustibility.

As a spokesperson tells *Inside Housing*: “As we have said repeatedly, it is our view that Class 0 ACM panels with a polyethylene core would not meet the limited combustibility requirements set out in building regulations guidance for buildings above 18 metres in height.”

But this standard is for insulation, and it had never made public before the fire its belief that this applied to cladding.

Who is right?

Arnold Tarling, a chartered surveyor at Hindwoods, gives the government’s argument short shrift. Filler, he says, refers to material used to plug-up gaps in the insulation. It simply doesn’t mean the interior of cladding.

Indeed, the purpose of cladding is not insulation. The material keeps the building dry and the plastic core is a sealant that sticks the two sheets together. It cannot insulate the building, as it is ventilated all round.

“The government is playing Humpty Dumpty with words,” says Mr Tarling. “They are trying to cover up the fact that the rules weren’t tight enough in the first place.”

Jonathan Evans, chair of the technical committee at the Metal Cladding and Roofing Manufacturers Association (MCRMA) and chief executive of cladding company Ash & Lacy, says the government’s interpretation of the guidance “is borne largely out of its determination to avoid admitting that its guidance prior to the Grenfell fire was inadequate, and any associated liability”.

There are some, though, who agree with the government's view. One senior and respected expert tells *Inside Housing* builders should not have read Paragraph 12.6 “in isolation” to justify using the cheaper ACM products present on Grenfell and elsewhere.

There is also a guidance document titled British Standard 9991, published by the British Standards Institution in 2016 (after the Grenfell refurbishment) which referred to the need for “cladding material” to be of limited combustibility.

External wall surfaces near other buildings should not be readily ignitable, to avoid fire spread between buildings.

External walls should either meet the performance criteria given in BRE Report BR 135 [N1] for cladding systems using full scale test data from BS 8414-1 or BS 8414-2, or meet the following recommendations.

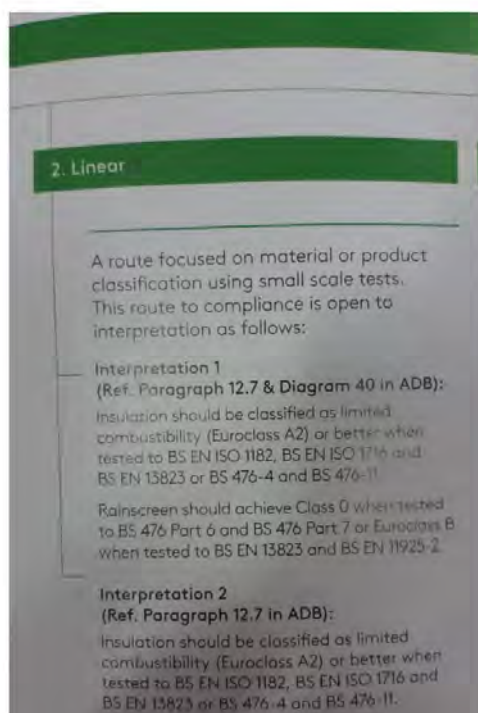
- a) The external surfaces of walls should meet the provisions in Figure 17.
- b) In a building with a storey 18 m or more above ground level, any cladding material, insulation product, filler material (not including gaskets, sealants and similar), etc., used in the external wall construction should be of limited combustibility.

BS 9991

But this does not have the governmental status of Approved Document B and arguably only goes to show that the official guidance *should* have included the specific word ‘cladding’ if it wanted that to be included in the limited combustibility category.

At the very least therefore, it seems the guidance was ambiguous.

Indeed, in January this year Kingspan – one of the largest insulation companies operating in the UK – put out a guide to building regulations [saying there were now “two interpretations” of Approved Document B](#): one that cladding should be Class 0 and the other that it should be limited combustibility. This was swiftly [pulled after *Inside Housing* pointed out the inconsistency](#) with the government's rhetoric.



Rainscreen "filler material" should be classified as limited combustibility (Euroclass A2) or better when tested to BS EN ISO 1182, BS EN ISO 1716 and BS EN 13823 or BS 476-4 and BS 476-11.

The withdrawn Kingspan document

You might think, then, that this would be the first loophole to be closed by the review of building regulations.

But it is so far absent from the independent review of building regulations, commissioned by government and led by Dame Judith Hackitt. So far, she has simply repeated the government interpretation of the guidance without challenge. In [a letter dated 5 March](#), she added the following footnote:

³ Paragraph 12.7 states that: *In a building with a storey 18m or more above ground level any insulation product, filler material (not including gaskets, sealants and similar) etc. used in the external wall construction should be of limited combustibility.*
The scope of paragraph 12.7 extends to cladding, particularly when read in the context of the guidance in paragraph 12.5, which states that: *The external envelope of a building should not provide a medium for fire spread if it is likely to be a risk to health or safety. The use of combustible materials in the cladding system and extensive cavities may present such a risk in tall buildings.*

Indeed, in her [interim report in December](#), she said: “There does not appear to be a single, simple reason to explain why so many buildings are affected.”

1.39
DCLG's Building Safety Programme identified more than 200 high-rise residential buildings across England fitted with aluminium composite materials cladding systems that are likely to present a fire hazard. There does not appear to be a single, simple reason to explain why so many buildings are affected.

The passage from Dame Hackitt's interim report

Well perhaps there is. On one common reading of the government's guidance it was perfectly legal.

This does not answer all the questions about Grenfell. For example, leaving the cladding aside, why was combustible insulation – unambiguously below the basic standard set in the guidance – used on the tower? To understand that, we must now consider the process of large-scale testing.



By Luke Barratt

Whether or not the aluminium cladding used on Grenfell was automatically approved by the guidance, the insulation definitely wasn't.

Behind its shining metal surface, the tower was coated in a foam insulation called Celotex RS5000. This is made from a plastic called polyisocyanurate and does not meet the standard of 'limited combustibility'.

Indeed, detective superintendent Fiona McCormack, who is overseeing the criminal investigation into the fire, said that the insulation was "more flammable than the cladding".

But use of this type of insulation has become extremely widespread.

The reason for this is the second route to compliance: large-scale testing.

Why are tests necessary?

Paragraph 12.5 of Approved Document B (below) permits manufacturers of this type of insulation to market it for use on high rises if they can pass large-scale tests known as 'BS 8414'. These involve setting fire to a nine-metre high model wall to see if fire spreads up the side.

External walls should either meet the guidance given in paragraphs 12.6 to 12.9 or meet the performance criteria given in the BRE Report *Fire performance of external thermal insulation for walls of multi storey buildings* (BR 135) for cladding systems using full scale test data from BS 8414-1:2002 or BS 8414-2:2005.

The paragraph of Approved Document B on testing

Such tests are almost invariably done at the Building Research Establishment's (BRE) laboratory in Watford, the only place in the UK with the necessary apparatus. The BRE, privatised in 1997, charges around £15,000 per test – although it represents a very small percentage of its income.



Headquarters of BRE, privatised in 1997 (Picture: John Webb)

The test involves building a model wall in a 'burn hall' and lighting a fire underneath it.

A test is declared a failure if flames spread to the top of the wall within 30 minutes, or if the recorded temperature level recorded exceed 600°C for 30 seconds within the first 15 minutes.

These tests are shrouded in secrecy.

The results are considered 'commercially confidential' by the BRE and are released only at the manufacturer's discretion. This confidentiality is a requirement for all UKAS-accredited test laboratories.

But this means it is the manufacturer which is responsible for describing the system tested and the result.

The insulation used on Grenfell, Celotex's RS5000, passed one of these tests in 2014, when combined with cement fibre cladding – a material much less flammable than the cladding used on Grenfell.

But in January the manufacturer [revealed that it had “inaccurately described” this test](#) in its marketing of the product, and [the test result was withdrawn](#). The exact inaccuracy is unknown.

**Celotex announcement - RS5000 BS 8414-2 Test
30th January 2018**

In 2014, Celotex launched the PIR rigid board insulation product RS5000 for use in rainscreen cladding systems for buildings above 18m. In advance of the product being launched, the company commissioned full system fire performance tests for a rainscreen cladding system which were carried out pursuant to BS 8414-2. RS5000 was used as external insulation as part of the rainscreen cladding system in the refurbishment of Grenfell Tower. We took the decision to suspend supply shortly after the tragic fire at Grenfell Tower and this suspension remains in place. The company had been conducting a detailed review of the way RS5000 was tested and marketed. The current management team has only recently determined that there were differences between the system as tested for BS 8414-2 and the description of that system in the report of the test. These differences were carried through into our marketing of RS5000.

The Celotex statement

It is also the manufacturer, not the BRE, which designs the test system and installs it.

After Grenfell, the government used BS 8414 tests as the mechanism to decide which cladding systems were safe and which were dangerous. These official tests were designed by Booth Muirie, a subsidiary of insulation manufacturer Kingspan.

The design selected [used fire barriers three times stronger than the minimum prescribed by law](#) and was [criticised by rivals for the positioning of temperature monitors above fire barriers](#). Kingspan has since said the test was based on a design from 2016 over which it had no control.

Furthermore, the Fire Protection Association (FPA) has claimed the tests are not realistic compared to a real world environment.

The FPA – funded by the Association of British Insurers – is now conducting its own alternative procedures, adding windows to the model wall and using burning plastic to simulate more closely the effects of a cladding fire. Preliminary results are, [according to the FPA, “significantly different”](#) to the government's tests.

The BRE [has defended the large-scale testing process in a lengthy statement given to Inside Housing](#). “Testing systems at large scale is a rigorous scientific way of

testing performance and ultimately keeping people safe,” it says.

“There is not a single example of a fire in which a cladding system that has passed the BS 8414 test has resulted in fire spread on the outside of a building either here in the UK, in the UAE or in Australia where they also use this test method.”

This is true. But many combinations of material on buildings are not tested at all. Instead, they are cleared through the ‘desktop study’ route.

What is a desktop study and why is it controversial?

Cladding manufacturers argue that it would be impractical to test every possible combination.

Instead, the industry has been using desktop studies. These take data from materials previously tested and make a judgement as to whether a new combination *would pass if* it were tested.

There is no restriction on who can do these studies and neither the reports themselves nor their methodology are required to be made public.

We do know, based on the safety tests post-Grenfell, that at least one system (phenolic foam and fire-retardant aluminium panels) [was passed by a desktop study, and failed a real world test.](#)



BS 8414 test on K15 with ACM, test terminated after 28 minutes (Picture: BRE)

Hannah Mansell, chair of the Passive Fire Protection Forum, tells *Inside Housing*: “Some of these desktop studies hold value because they’ve been undertaken by somebody who’s competent enough to make that assessment, but my real feeling is that out there in the real wide world the inspectors also lack the ability to”

scrutinise these assessments properly.

This is how materials are cleared for use today. Next we will turn to the story of how this position developed.

It is a story of steadily weakening regulations from the early 1990s, when combustibles were banned outright on high rises, through to the current position where their use has become commonplace.

The rise of combustibles

The 1992 version of Approved Document B banned combustible materials entirely.

External wall construction

12.7 The external envelope of a building should not provide a medium for fire spread if it is likely to be a risk to health or safety. The use of combustible materials for cladding framework, or of combustible thermal insulation as an overcladding or in ventilated cavities, may present such a risk in tall buildings, even though the provisions for external surfaces in Diagram 36 may have been satisfied.

1992 version of Approved Document B

Ironically, it was after the fatal fire at Garnock Court in Irvine, Scotland, in 1999 that this position was first weakened.

[A parliamentary inquiry into the fire](#) was conducted by the cross-party Environment, Transport and Regional Affairs Committee.

HOUSE OF COMMONS

SESSION 1998–99

ENVIRONMENT, TRANSPORT AND REGIONAL AFFAIRS COMMITTEE

POTENTIAL RISK OF FIRE SPREAD IN BUILDINGS VIA EXTERNAL CLADDING SYSTEMS

Front page of the inquiry's minutes

Three key witnesses to this inquiry were from the BRE: Peter Field, Sarah Colwell and Tony Morris.

When the inquiry began, however, the newly privatised BRE was in the middle of developing its large-scale testing method.

[The minutes to the inquiry record](#) that Mr Field believed testing would “certainly make sense” for all forms of cladding.

53. Do you think in the circumstances all forms of cladding should be tested by you?

(Mr Field) It would certainly make sense to have the cladding systems tested in a properly defined test method, of which we believe this is one.

From the minutes to the inquiry

The inquiry prompted a review of Approved Document B, and the BRE's 'Fire Note 9' – a precursor to BS 8414 – was officially endorsed by the 2000 version of the government's guidance.

A spokesperson for the BRE adds that it is “categorically not the case” that the motivation in recommending full-scale fire testing was because of a vested interest in growing a market for this form of test. It says testing is important to “provide a full understanding of how an actual system will perform”.

External surfaces

13.5 The external surfaces of walls should meet the provisions in Diagram 40. However, the total amount of combustible material may be limited in practice by the provisions for space separation in Section 14 (see paragraph 14.7 *et seq*). Where a mixed use building includes Assembly and Recreation Purpose Group accommodation, the external surfaces of walls should meet the provisions in Diagram 40c.

Note: One alternative to meeting the provisions in Diagram 40 could be BRE Fire Note 9 *Assessing the fire performance of external cladding systems: a test method* (BRE, 1999).

13.6 In the case of the outer cladding of a wall of 'rainscreen' construction (with a drained and ventilated cavity), the surface of the outer cladding which faces the cavity should also meet the provisions of Diagram 40.

External wall construction

13.7 The external envelope of a building should not provide a medium for fire spread if it is likely to be a risk to health or safety. The use of combustible materials for cladding framework, or of combustible thermal insulation as an overcladding or in ventilated cavities, may present such a risk in tall buildings, even though the provisions for external surfaces in Diagram 40 may have been satisfied.

In a building with a storey 18m or more above ground level, insulation material used in ventilated cavities in the external wall construction should be of limited combustibility (see Appendix A). This restriction does not apply to masonry cavity wall construction which complies with Diagram 32 in Section 10.

Advice on the use of thermal insulation material is given in the BRE Report *Fire performance of external thermal insulation for walls of multi-storey buildings* (BR 135, 1988).

2000 version of Approved Document B – 'Fire Note 9' is listed only as an alternative to meeting the provisions for cladding. It is not an option for manufacturers wishing to use combustible insulation.

Initially, however, this test was only to be used for 'external surfaces' that didn't meet the requirements of the approved document. There was still no way in for combustible insulation.

But changes to another part of the building regulations were about to make this a deeply lucrative opportunity for the plastic insulation industry.

Pressure to transform

As global warming has risen up the political agenda, the UK and EU have signed up to several international treaties to reduce carbon emissions.

“The pressure to transform is set to increase in the coming years. Kingspan intends to influence this transformation, and is well placed to take advantage of all these developments.”

A directive in 2004 required member states to pass legislation stipulating the refurbishment of old buildings and better energy performance in new ones.

This was an opportunity for the insulation industry.

“Kingspan's range of products are well positioned to benefit from the general thrust of this directive,” Eugene Murtagh, chair of Kingspan, wrote in the company's annual report in 2006. “The pressure to transform is set to increase in

the coming years. Kingspan intends to influence this transformation, and is well placed to take advantage of all these developments.”

This did refer to its environmental and offsite as well as its insulation business. A Kingspan spokesperson added: “As a market leader Kingspan’s influence is, and always has been, the quality and efficacy of its insulation solutions.”

At the same time, Celotex was thinking similar thoughts.

“With the government committed to Kyoto Protocol – the international treaty on climate change – Part L of the building regulations will be amended in the spring of 2006,” its 2005 results read. “Celotex Limited expects significant growth as a result and will continue a process of investment in buildings and equipment to cope with this growth.”

A spokesperson for the company tells *Inside Housing*: “Any manufacturer would consider the likely impacts in its market of regulatory changes (negative or positive), and it would be normal to communicate this to its shareholders and other stakeholders.”

The changes brought about by Part L effectively demanded the mass insulation of many old buildings. For Kingspan, Celotex, and other companies who mainly produce plastic-based insulation the ban on combustible insulation meant they could not tap in to this boom provided in the high-rise market. But Approved Document B was about to change again.

The way in

The 2000 version of the guidance stayed in place for six years, but discussions about changing it began as early as 2003, when John Prescott, the deputy prime minister, published [a White Paper with this blurry photo on the cover](#).



2003 White Paper

The government's new plans for fire safety included changing Approved Document B to focus more on preventing fires in residential buildings. Ironically, the eventual guidance opened the door to desktop studies and combustible insulation.

The review began in 2005. According to the annual report of the Building Regulations Advisory Committee for 2004, the BRE organised all the initial meetings to discuss possible changes to Approved Document B. The BRE's website states that Mr Prescott appointed it to support the review.

When the new edition of Approved Document B went out for consultation, respondents were instructed to send their suggestions directly to the BRE office Watford, not the government offices in Westminster.

Respondent Details	
Name: [REDACTED]	Please return by 18 November 2005 to:
Organisation: [REDACTED]	
Address: [REDACTED]	Part B Review BRE Garston WATFORD WD25 9XX
Town/City: [REDACTED]	
County/Postcode: [REDACTED]	
Fax: [REDACTED]	e-mail: partb@bre.co.uk
Email: [REDACTED]	

The consultation form for the 2005 review of Approved Document B

Various industry representatives and experts contributed to the new document, but because meetings are confidential it is impossible to know who contributed what.

What we can see is [the document that went out for consultation](#), which helpfully crosses out passages that would be removed from Approved Document B and highlights passages that would be added.

First, it proposed removing the reference to large-scale tests from the external wall section.

External surfaces

- 13.5** The external surfaces of walls should meet the provisions in [Diagram 40 28](#).
- 11.5** However, the total amount of combustible material may be limited in practice by the provisions for space separation in [Section 44 12](#) (see [paragraph 44.7 12.7 et seq](#)). Where a mixed use building includes Assembly and Recreation Purpose Group accommodation, the external surfaces of walls should meet the provisions in [Diagram 40e 28c](#).

Note: One alternative to meeting the provisions in [Diagram 40](#) could be BRE Fire Note 9 *Assessing the fire performance of external cladding systems: a test method* (BRE, 1999).

Proposed changes to the cladding section

Instead, it suggested changing the test to be an alternative to using insulation of limited combustibility. For the first time since 1991, manufacturers would now be permitted to fit combustible insulation to walls.

- 11.8** In a building with a storey 18m or more above ground level, insulation material used in ~~ventilated cavities in~~ the external wall construction should

be of limited combustibility (see Appendix A). This restriction does not apply to masonry cavity wall construction which complies with [Diagram 32 25](#) in [Section 40 8](#).

Further advice on the use of thermal insulation material is given in the BRE report *Fire performance of external thermal insulation for walls of multi-storey buildings* (BR 135, 1998 2005). One alternative to meeting the provisions in paragraph 11.8 is to meet the performance criteria given in BR 135 for cladding systems using full scale test data from BS 8414-1:2002 *Test method for non-loadbearing external cladding systems applied to the face of the building*.

Proposed changes to the insulation section

Crucially, the change in wording to “full-scale test data” – the same as the wording in today’s document – also loosened the test requirement. It is this exact wording that, *Inside Housing* understands, the government believes allows the use of desktop studies, because they use ‘test data’ despite not being tests themselves.

The final 2006 version of Approved Document B actually gave even more backing to the 8414 test, expanding its use to both external walls and insulation.

External wall construction

12.5 The external envelope of a building should not provide a medium for fire spread if it is likely to be a risk to health or safety. The use of combustible materials in the cladding system and extensive cavities may present such a risk in tall buildings.

External walls should either meet the guidance given in paragraphs 12.6 to 12.9 or meet the performance criteria given in the BRE Report *Fire performance of external thermal insulation for walls of multi storey buildings* (BR 135) for cladding systems using full scale test data from BS 8414-1:2002 or BS 8414-2:2005.

2006 edition of Approved Document B

At no point during the consultation did the government draw attention to this change, and it never appeared in any [summary of significant changes](#), despite the fact that it fundamentally altered the attitude of building regulations towards combustible insulation.

The BRE has said these changes “would have been compiled, scrutinised and approved by the Building Regulations Advisory Committee” which it was not represented on.

It added: “The stakeholders that engaged with this work never questioned our involvement. We are just one of a widespread array of stakeholders and experts who have been part of the evolution of the building regulations and associated guidance.”

The rise of desktop studies followed in the years after these changes. To understand the full picture here, it is important to note the process of building control, and how that has changed since the 1980s.

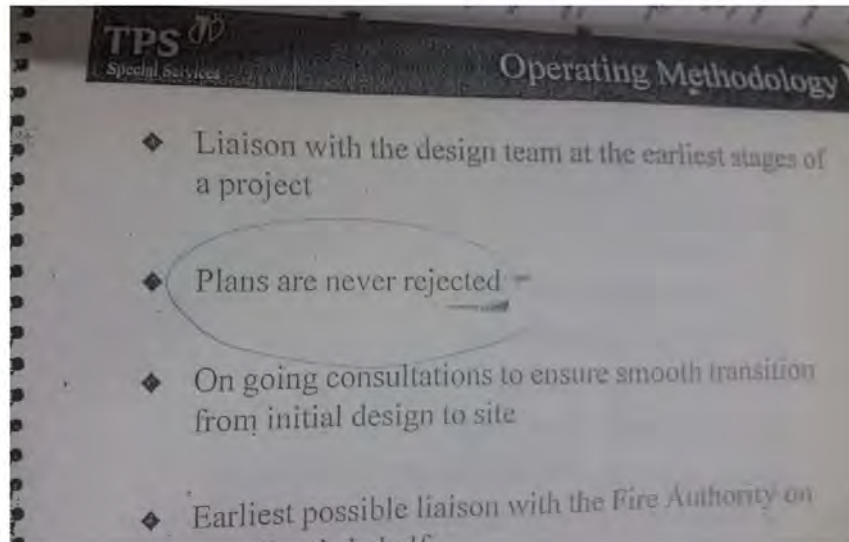
“A race to the bottom”

Building control plays a pivotal role when it comes to fire safety. Planning departments grant permission to builders to develop but it is building control officials who check that they’ve followed regulations. They are the main line of enforcement.

The task was part-privatised in 1985 by Margaret Thatcher, with private players allowed to compete with councils. Initially, the National House Building Council (NHBC), was the only private player to do so.

But in 1997, one of the last acts of the departing Conservative government was to broaden this competition. This led to a quick growth in new private companies.

Competition created an incentive not to fail schemes. *Inside Housing* has obtained a presentation from TPS Special Services, one of the first to be set up, promising plans would never be rejected.



Presentation from TPS Special Services

Competition also stripped the local authority building control teams of staff and work.

It was in this context that building control officials were asked to interpret the newly loosened Approved Document B.

One cladding manufacturer tells *Inside Housing*: "It was a complete race to the bottom. They would approve everything just to get market share of building control.

"Once the door was opened in 2006 by that subtle change in wording in Approved Document B, the whole thing just unravelled, and [building control officers] signed off anything."

The Building Control Alliance (BCA), which represents building control officials, moved to formalise the process of signing off combinations of material which had not been tested using "full test data" from other tests.

It did this through the guidance note, below, which recommended that desktop studies be done by laboratories accredited by the UKAS.

Option 3

If no actual fire test data exists for a particular system, the client may instead submit a desktop study report from a suitable independent UKAS accredited testing body (BRE, Chiltern Fire or Warrington Fire) stating whether, in their opinion, BR135 criteria would be met with the proposed system. The report should be supported by test data which the test-house already has in its possession and so this option may not be of benefit if the products have not already been tested in multiple situations / arrangements. The report should also specifically reference the tests which they have carried out on the product.

Within a year, however, it had weakened this guidance to allow “a suitable qualified fire specialist” to carry them out. It included no advice as to what suitable qualifications might be.

Option 3

If no actual fire test data exists for a particular system, the client may instead submit a desktop study report from a suitably qualified fire specialist stating whether, in their opinion, BR135 criteria would be met with the proposed system. The report should be supported by test data from a suitable independent UKAS accredited testing body (BRE, Chiltern Fire or Warrington Fire) and so this option may not be of benefit if the products have not already been tested in multiple situations / arrangements. The report should also specifically reference the tests which have been carried out on the product.

But even this position would get lighter.

In 2016, narrowly after the Grenfell refurbishment finished, the NHBC listed several common combinations of cladding and insulation which it believed could be signed off without the need for even a desktop study.

This included Celotex RS5000 insulation and ‘Class 0’ aluminium composite material cladding: the exact combination used on Grenfell.

- Insulation (maximum 140mm thick) comprising one of:
 - Kingspan K15
 - Celotex RS5000
 - Xtratherm SR/RS
- Drained and vented cavity
- Aluminium support rails
- Minimum Class B (when assessed to BS EN 135011) aluminium composite material boards with a Class 0 surface spread of flame classification.

Combinations sanctioned by the NHBC

This guidance was withdrawn after the fire. But it is evidence of the relaxed attitude of building control to the use of combustible materials in untested combinations before the disaster.

What now?

This section may have seemed like a history lesson, but these processes are still being followed today.

The BRE, which led the review of Approved Document B that introduced desktop studies and combustible insulation, is chairing the working group on 'Quality Assurance and Products' in [the current review of regulations being led by Dame Judith Hackitt](#).

The BRE says its role in this regard “is to facilitate discussions and achieve consensus among the working group members”, and that it has “no vested interest with manufacturers, product suppliers, building owners, designers or similar”.

“Strategy: support 8414 tests. Support desktop studies.”

The insulation industry [is heavily represented on the committee writing the new standard on desktop studies](#). Leaked notes from a meeting of Kingspan in September show the company [has been following a “strategy” to support the continued use of desktop studies and testing](#).

Strategy.....support 8414 test. Support use of Desktop studies. You cannot test every build up possible.....there are 100's and 1000's of combinations. Assessments need to be valid, they will likely prevent you from changing or jumping cladding types, so still be able to get a pass regardless thickness etc.

The leaked Kingspan notes

The [government has responded by pledging to redraft Approved Document B to formally provide for their use](#), with some restrictions.

This is how we reached the position we find ourselves in today. But none of this happened without warning. For the past two decades, anyone who chose to listen could hear the alarm bells ringing.



The missed warnings

The Lakanal House fire, 2009 - Daily Mirror

By Sophie Barnes

These alarm bells have rung loud and clear, both through the evidence of key tower block fires and in warnings from experts across the years.

At each turn, the story is of missed opportunities.

To understand this picture properly, the first thing to understand is the devotion of successive governments to an ideology which has at times come ahead of calls to improve safety: deregulation.

Deregulation

Since the 1980s, governments of all colours have enthusiastically pursued a deregulation agenda. Margaret Thatcher famously led the way, replacing 306 pages of building regulations with 24, in a big bang to rival [that in the financial sector](#).

Labour enthusiastically picked up the baton when it came to power in 1997. Tony Blair began a programme of “better regulation” and announced that no new regulation would be considered without a regulatory impact assessment being carried out. The ‘Better Regulation Task Force’ was set up to ‘reduce unnecessary

regulatory and administrative burdens' on businesses. This asked all government departments to simplify or abolish regulation in the areas for which they were responsible.

Then in 2010, the Conservative and Liberal Democrats coalition took power and the Cabinet Office's Cutting Red Tape initiative was born. Vince Cable, now Liberal Democrats leader, then business secretary, became chair of the committee.

“This coalition has a clear new year's resolution: to kill off the health and safety culture for good.”

The government introduced a 'one in, one out' rule - which ordered that whenever a regulation was introduced another had to be removed. In 2013, it became 'one in, two out' as the government adopted a mission statement of being “the first government ever to reduce regulation”.

In January 2012, David Cameron gave a speech where he made it his “new year's resolution” to “kill off the health and safety culture for good”.

In March 2016, as the final touches were being put on the refurbishment of Grenfell Tower, the government – now a Conservative majority – [upped its target to 'one in, three out' and promised to save businesses £10bn by reducing regulation.](#)

As Paul Overall, the civil servant who was head of building control between 1991 and 2005, says: “You shouldn't just attack advisors on this. It really was the culture we were in with the government.

“For the past 10 or 15 years we've had ministers who've been pressing for deregulation rather than regulation. We need a change in the culture in the government [to see] that regulation is not per se a bad thing.”

This philosophy has had a direct impact on fire safety.

Falling fire deaths

Numerous experts have told *Inside Housing* that when they approached government urging changes to fire safety guidance over the years, advisors were reluctant to back their call for change, pointing to the drop in fire deaths as evidence that all was fine.

There is, to be fair, no arguing with the numbers on this point. In the 12 months to March 1982, 755 people died in fires in England. With a few bumps, it decreased every year through to 2016/17 (the financial year which finished two months before Grenfell) when it hit a low of 262.

“It is sadly our view that fire safety is not a prime driver

of design and tends to be neglected when it comes to procurement and construction.”

But under [the government's own analysis](#), changes such as increasingly fire-resistant furniture (thanks at least in part to EU regulations), falling levels of smoking and reduced domestic chip pan use over the years have driven the fall in fatalities.

In August 2010, David Sugden, then chair of the Passive Fire Protection Forum (PFPF), wrote to the Department for Communities and Local Government (DCLG) with the following warning: “It is sadly our view that fire safety is not a prime driver of design and tends to be neglected when it comes to procurement and construction.”

It followed a three-year government-backed research project carried out by the PFPF that concluded in 2003 that fire protections were being installed poorly because the work was carried out by workers who had no fire safety training.

The forum also found that building jobs were being completed without any checks being made on the fire protection materials or quality of workmanship because there was no legal requirement to certify the work.

Mr Sugden says: “We found that in completing a job a contractor that was doing fire safety work was being asked for a certificate by the main contractor. Now, there is no such thing so they were producing spurious fire certificates and handing those to their client, and these were being accepted as proof that the work had been done. We also found that local authority building control officers were accepting these spurious certificates as proof.”

The forum recommended that the use of third party certificates for fire protection products and installers should be made mandatory.

But in response a DCLG civil servant said any major change in regulation had to go through the Cabinet Office, who would carry out a cost-benefit analysis.

“So at every stage when the industry has said you need to have tighter control of the products and the installation of those products we have failed to get it,” says Mr Sugden.

“The number of deaths in fires has been coming down very nicely. The [Cabinet Office] could not be convinced that there was sufficient danger to the public for major changes in regulation.”

Despite the lack of government action on making changes to the building regulations, exactly one year after the Lakanal House fire the then Department for Communities and Local Government did seek views on what changes needed to be made.

But the focus seemed to be on how to cut costs, rather than strengthen the

regulations. Its letter seeking views from the fire sector stated: “Ministers have indicated that they would be particularly interested in views and suggestions about compliance with the building regulations. This is in response to concerns that lack of compliance undermines what the regulations seek to achieve. We are keen to ensure that savings are really delivered and that our achievements are real and not theoretical.

“Our work needs to be underpinned by robust evidence so that we can make the right choices and understand clearly the costs and benefits.”

MHCLG (formerly the DCLG) says this “letter... made clear that building regulations need to be managed and maintained carefully”.

Hannah Mansell, who is the current chair of the PFPF as well as technical manager for the British Woodworking Federation (BWF), says in recent years the ‘one in two out rule’ has hampered progress. She adds: “They simply didn’t see that the number of people who were dying in fires was of significant enough numbers to pay attention to.”

For Ronnie King, an ex-firefighter with 20 years’ experience as a chief fire officer under his belt and honorary secretary of the All Party Parliamentary Group on Fire Safety, this has been a source of frustration.

“It’s a real frustration for someone who spent 41 years in the fire and rescue service in Yorkshire, London, Scotland and Wales, 20 of which were as a chief fire officer, who has brought out lifeless bodies of children from burning buildings, and who doesn’t receive payment for his current role. But who does not appear to be listened to when guidance from government department officials seems to carry more sway.”

So what were the warning signs?

Overseas fires

On New Year’s Eve 2015, the Address Downtown Hotel in Dubai burst into flames. A fire had broken out on the 20th floor of the 63-storey building and ripped up the side. Jonathan Gilliam, a CNN law-enforcement analyst in Dubai, said: “This is looking absolutely horrific. This is spreading very rapidly.” At one stage more than 40 storeys burned simultaneously.

There have been other, similar fires at high rises in Dubai. A report by [architectural consultancy Probyn Miers in 2016](#) said: “It is widely suspected that the presence of combustible aluminium composite panels was responsible for the fire spreading alarmingly rapidly up the exterior of the Address... the Dubai fires involved polyethylene (LDPE) cores.”

The same material that was on Grenfell also caused a terrifying tower block fire [at the Lacrosse Tower in Melbourne](#) in 2014 and [the Mermoz Tower in France in 2012](#).



The fire at the Mermoz Tower in France

All of these should have been evidence enough to government and contractors to think carefully about using this product so widely in the UK. But other warnings were closer to home.

Garnock Court



Garnock Court after the blaze, pic: Press Association

The blaze at Garnock Court in North Ayrshire in 1999, has been discussed in both of the sections above. It was one of the earliest warnings about the danger posed by cladding systems. This fire destroyed flats on nine floors of the 14-storey block, killing a disabled 55-year-old man and injuring five others including a 15-month old baby. It spread up the building via composite window panels, and reached the top in around 10 minutes.

We have seen above how this fire in fact opened the door to large-scale testing and eventually the widespread use of combustible insulation. But the warnings could

eventually the widespread use of combustible insulation but the findings could instead have triggered the changes necessary to ensure it was the last time a disaster like this occurred.

In 1999, the House of Commons Environment, Transport and Regional Affairs Committee launched an inquiry into the Garnock Court fire and an earlier fire in 1991 that had broken out in Knowsley Heights in Liverpool.

“We do not believe that it should take a serious fire in which many people are killed before all reasonable steps are taken towards minimising the risks.”

Witnesses to the inquiry, including the Fire Brigades Union and cladding manufacturers, said the guidance in Approved Document B “may not be adequate for the purposes of ensuring the safety of external cladding systems in a fire”.

The chief concern raised by witnesses to the committee was the “risk of unexpectedly rapid fire spread involving these systems” which could create “disproportionate difficulties in firefighting” and “disproportionate damage to the building”.

Most importantly, the committee noted that concerns about the fire safety of external cladding systems “are not new”.

“Local authorities and [housing associations] should also be instructed to monitor existing cladding systems carefully.”

“We do not believe that it should take a serious fire in which many people *are* killed before all reasonable steps are taken towards minimising the risks,” it concluded.

The House of Commons committee stated that all cladding systems should be required to either be “entirely non-combustible” or proven through full-scale testing not to pose an “unacceptable level of risk” in terms of fire spread.

As we have seen, this is not the way building regulations panned out.

But north of the border the story was different. Since 2005 Scottish building regulations have stated that cladding and insulation on high rise domestic buildings should either be made of non-combustible materials or the whole cladding system subject to a full scale fire test. These regulations applied not only to new high rise domestic buildings but also if an existing high rise domestic building was being re-clad

Prior to 2005 cladding on high rise domestic buildings built or altered had to meet a Class 0 classification.

This appears to have been decisive. After Grenfell, 300 social housing towers in England were found to have potentially dangerous cladding. In Scotland there were none.

And this was not the only missed opportunity. The committee also had something to say about fire risk assessments.

“Competent fire safety assessors should then be called in to evaluate what work may be necessary to ensure that no undue risk is posed by any of these systems, with particular reference to the lessons learned from the fires at Knowsley Heights and Garnock Court,” the report said.

But before Grenfell, virtually all risk assessments carried out by housing associations and councils only considered common areas of the building area and paid no attention to the outside.

Indeed, Grenfell was cleared by risk assessor Carl Stokes before the blaze, who has since admitted to *Inside Housing* that he did not take the cladding into account in his assessment.

The committee called on the government to instruct social landlords to review their existing building stock “with a view to ascertaining how many multi-storey buildings are currently using external cladding systems”.

“Local authorities and [housing associations] should also be instructed to monitor existing cladding systems carefully to ensure that the materials from which they are constructed do not degrade over time and become less resistant to flame spread than they were at the time of construction,” the report says.

It appears these warnings about the danger of cladding simply fell by the wayside over the years. After Grenfell, no one in government had a list of the buildings which contained cladding. In the weeks after the fire, building owners scrambled to identify the materials on the outside. The advice, in 1999, to “monitor... carefully” was lost to the years.

Lakanal House, 2009





Lakanal House after the fire, pic: Press Association

The fire that experts agree should have been the gamechanger for fire safety legislation broke out in Lakanal House in south London on the afternoon of 3 July 2009.

An electrical fault with a TV caused it to burst into flames and as the fire spread it burnt through a cladding panel on the outside of the wall, tearing up the outside of the building.

Less than two hours later six people were dead, including three children – one just three weeks old. The subsequent investigation revealed the window panels didn't even meet the Class 0 standard and there were suspended ceilings in the block that were a "significant fuel load".

The coroner tasked with investigating the Lakanal House fire recommended the government review Approved Document B, describing it as "a most difficult document to use" in her report in 2013. This, then, was the opportunity to uncover the dangers with Class 0 material in cladding systems and the potential problems with large-scale tests and desktop studies.

Building Regulations and Approved Document B

During these inquests we examined Approved Document B (2000 edition incorporating 2000 and 2002 amendments) ("AD B"). I am aware that AD B has subsequently been amended, and believe that a further amendment is due to be published soon. The introduction to AD B states that it is "... intended to provide guidance for some of the more common building situations". However, AD B is a most difficult document to use. Further, it is necessary to refer to additional documents in order to find an answer to relatively straightforward questions concerning the fire protection properties of materials to be incorporated into the fabric of a building.

It is recommended that your Department review AD B to ensure that it

- provides clear guidance in relation to Regulation B4 of the Building Regulations, with particular regard to the spread of fire over the external envelope of the building and the circumstances in which attention should be paid to whether proposed work might reduce existing fire protection
- is expressed in words and adopts a format which are intelligible to the wide range of people and bodies engaged in construction, maintenance and refurbishment of buildings, and not just to professionals who may already have a depth of knowledge of building regulations and building control matters
- provides guidance which is of assistance to those involved in maintenance or refurbishment of older housing stock, and not only those engaged in design and construction of new buildings.

The coroner's recommendations to DCLG in 2013

But this review never took place. The All Party Parliamentary Group (APPG) on Fire Safety sent countless letters to various housing ministers calling for it. This included correspondence with successive governments since the building regulation guidance was last revised in 2006.

Since the Lakanal House inquest the APPG has specifically referred to the cladding on tower blocks and asked for a return to regulations which required one hour fire resistance for the external walls of buildings.

The group also urged various ministers to act on the Lakanal House coroner's recommendations. However, as Mr King points out: "The promised building regulations review, which was set to be completed in 2016/17, has not even commenced, with correspondence from ministers to this effect confirming such."

As late as October 2016 then housing minister Gavin Barwell made clear in parliament the promised review of guidance still had not got underway.

"We have not set out any formal plans to review the building regulations as a whole, but we have publicly committed ourselves to reviewing Part B following the Lakanal House fire."

Last year the BBC reported on leaked letters from the APPG. In one, sent in March 2014, the group wrote: "Surely... when you already have credible evidence to justify updating... the guidance... which will lead to saving of lives, you don't need to wait another three years in addition to the two already spent since the research findings were updated, in order to take action?"

"As there are estimated to be another 4,000 older tower blocks in the UK, without automatic sprinkler protection, can we really afford to wait for another tragedy to occur before we amend this weakness?"

After further correspondence, Liberal Democrat MP Stephen Williams – who was then a junior minister in the Communities and Local Government department – replied: "I have neither seen nor heard anything that would suggest that consideration of these specific potential changes is urgent and I am not willing to disrupt the work of this department by asking that these matters are brought forward."

In November 2016, Mr Barwell replied to a letter from the group to say his department had been looking at the regulations, and would make a statement "in due course".

Five months later, Mr Barwell wrote to say he did "acknowledge that producing a statement on building regulations has taken longer than I had envisaged".

In the end, the last significant change to Approved Document B before Grenfell was in 2006, as described above.

One of the last calls to change this before Grenfell was in March 2017. [Speaking to Inside Housing that month](#), Sam Webb, a pioneering architect who has long campaigned for fire safety said there was a "conflict" between a drive for better energy efficiency in homes and fire safety.

"We require buildings to be warmer to save energy, but there's a conflict between the materials that you use to do that and fire safety. If they're using materials that

will cut down on heating bills, that's fine, but if it's going to reduce your safety in a fire to a matter of minutes, that's unacceptable."

Three months later, flames ripped through the cladding system on the outside of Grenfell Tower in less than 15 minutes and 72 people were condemned to their deaths.

Sprinklers

The Lakanal House Inquiry also had something to say about sprinkler systems.

On day 35 of the inquiry, David Walker, a building surveyor with 29 years' experience, was asked to give expert evidence to the jury. Asked whether he believed sprinklers would have been beneficial, he was unequivocal, but also noted that their use around the UK was minimal.

Q. Finally, on sprinkler systems, is it your view that a sprinkler system would have been extremely beneficial?

A. Yes, it would.

Q. However, there was no obligation to install one and the number of sprinkler systems that have been installed in buildings in the United Kingdom not at the time of construction but at a later date is minimal?

A. Yes.

David Walker's evidence at Lakanal

Brian Davey, an internationally renowned fire expert, backed this view up.

Q. We've heard evidence about sprinklers, that there were obviously no sprinklers in this block and that sprinklers are quite expensive to retro-fit to blocks of flats. Do you have views on the benefits of sprinklers, obviously to residents in the case of a fire but also to firefighters themselves?

A. Yes, the benefit of sprinklers would be to reduce the effect of the -- reduce the seriousness of the fire and provide protection for both the occupants and a smaller fire for firefighters.

Brian Davey's evidence

Indeed, as the inquest heard, in 2006 regulations changed to require all new residential buildings over 30m to include sprinklers. But this was never applied retrospectively, to require the retrofitting of the life-saving devices at buildings like Lakanal and Grenfell. Over coming days, the inquest would hear that sprinkler systems were increasingly cheaper and more sophisticated – unlikely to cause any problems to the building outside of a fire.

Coroner Frances Kirkham therefore wrote to the Department for Communities and Local Government saying this:

Retro fit of sprinklers in high rise residential buildings

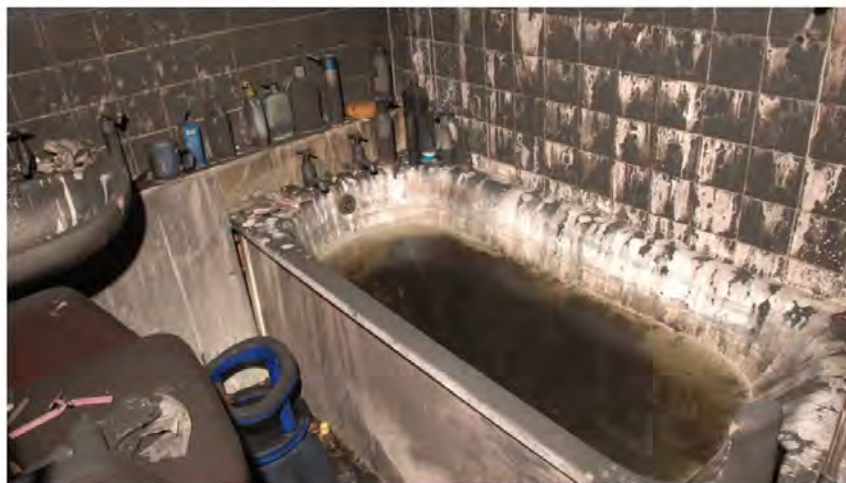
Evidence adduced at the inquests indicated that retro fitting of sprinkler systems in high rise residential buildings might now be possible at lower cost than had previously been thought to

residential buildings might now be possible at lower cost than had previously been thought to be the case, and with modest disruption to residents.

It is recommended that your Department encourage providers of housing in high rise residential buildings containing multiple domestic premises to consider the retro fitting of sprinkler systems.

The coroner's letter to Eric Pickles

And this was not the only call for the retrofitting of sprinklers.



Aftermath of fire at Shirley Towers, 2010

In 2010 two firefighters were killed fighting a blaze in Shirley Towers, a 16-storey tower block in Southampton.

The coroner looking into the fire – Ken Wiseman – recommended the government should encourage social housing providers to retrofit sprinklers in buildings 30m or taller.

- 7 Social housing providers should be encouraged to consider the retro-fitting of sprinklers in all existing high rise buildings in excess of 30 metres in height, particularly those identified by Fire and Rescue Services as having complex designs that make fire-fighting more hazardous and/or difficult. It is noted that current legislation requires that all newly built high rise buildings in excess of 30 metres in height must be fitted with sprinkler systems.

Shirley Towers coroner's recommendation

But when the Lakanal House coroner made the same recommendation Eric Pickles, who was communities secretary at the time, said this was a matter for housing providers to consider, not government.

And in a parliamentary debate in 2010 Earl Attlee, the peer responding on behalf of the government, said:

“We recognise the significant role [sprinklers] can play in life and property protection and in public safety.

“[But] we do not consider that it is necessarily for the government to dictate to the business sector how to manage its business risks. If the fire industry or fire and rescue service consider that greater fire protection would be good for UK businesses, they should take the case directly to building owners rather than to government.”

“In other words there was no word of encouragement whatsoever ‘it’s not my

...in cases where there was no form of sub-management responsibility, it's not my problem, it's theirs,'" says Mr King.

Even urging from a future government minister fell on deaf ears. Heather Wheeler, MP for South Derbyshire and now the minister responsible for homelessness, spoke in parliament in 2014 when she was a backbencher calling for sprinklers to be made mandatory in all new build developments.

She said: *"Nobody wants people to die unnecessarily. We all know that in Derbyshire... the number of fires has been reduced by 50% in the past six years or so. That is a fantastic story, but the vulnerable people and vulnerable areas where such problems persist can be identified. The fact that sprinkler systems would deal with that absolutely overnight is overwhelming, and I recommend that the minister gives us some joyous news later in his contemplations about English building regulations."*

Despite all of this evidence, there were no changes to building regulations made.

In the same 2014 debate, then housing minister Brandon Lewis echoed the deregulatory philosophy described above.

He said: *"In our commitment to be the first government to reduce regulation, we have introduced the one in, two out rule for regulation."*

"The Department for Communities and Local Government [responsible for housing] has gone further and removed an even higher proportion of regulations. In that context, members will understand why we want to exhaust all non-regulatory options before we introduce new regulations."

A MHCLG spokesman says: "We all want to make sure homes are safe for those who live in them.

"A number of fire protection measures are needed to provide a suitable standard of safety in a building. These can include smoke alarms, fire compartmentation and smoke control."

However, it still says the decision on fitting sprinklers is one for building owners.

And without this push from government, in a climate of austerity before Grenfell, action was not forthcoming. In 2015, research by *Inside Housing* [showed just 18 of 2,925 council-owned high-rise blocks in England had sprinklers fitted inside flats.](#)

It is hoped in years to come, the current reviews do not go down as another missed warning. But the signs so far are not wholly encouraging.





By Pete Apps, Sophie Barnes and Luke Barratt

Post-Grenfell, the stakes could not be higher. At least 300 tower blocks are known to be affected by dangerous cladding and insulation of some sort. The total number of buildings, across all sectors, is likely to be much, much higher.

“The scale of the issue is enormous I believe. It’s not just in social housing blocks that were built in the 1970s, it’s in every sector,” says Hannah Mansell of the PFPE. “The government actually needs to grab hold of this and really accept that they need to do it better this time rather than just putting another plaster over it.”

But change has not been forthcoming. Nine months on from the fire, all the building regulations described above remain entirely unchanged.

In response to some of *Inside Housing*'s queries for this article, an MHCLG spokesperson says: “Nothing is more important than keeping people safe.

“That’s why following the Grenfell Tower tragedy we asked Dame Judith Hackitt to undertake an independent review of building regulations and fire safety.”

But Dame Judith's review is so far demonstrating a familiar aversion to prescriptive regulation. So far she has resisted calls to seriously consider a straightforward ban on combustible materials.

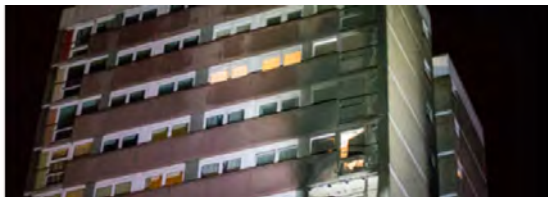
This has prompted criticism from bodies including the Royal Institute of British Architects (RIBA) which says it is “essential” that there are “baseline prescriptive requirements in relation to matters such as the use of combustible materials”.

“We are not aware of any successful system of regulation internationally that does not have a significant prescriptive element,” the group added.

After all the missed warnings about sprinklers, there is also no movement on a government-led programme to install them. In fact, when Nottingham Council asked for £6m to install them in 13 tower blocks in September, [the government refused, describing them as “additional, not essential”](#).

The issues also extend beyond cladding and insulation. Windows, and the panels installed beneath them, have led to two terrifying fires in high rises in the past two years, [one in west London](#) and [one in Northern Ireland](#). Neither were deadly, but this should not be cause for complacency.







The aftermath of a fire in Belfast which spread via window panels

There are also concerns about the potential dangers posed by [wooden balconies attached to the outside of buildings](#) and [car parks underneath them](#), exemplified by two fires over Christmas.

The interior of buildings must also be considered, [as recent revelations over fire doors have exemplified](#).

This can feel like a giant challenge. But it is one that must be faced up to. Grenfell has shown the price of getting building regulations wrong.

Further reading:

[Architects for Social Housing: The Truth About Grenfell](#)

[The River of Life blog on building regulations and Grenfell](#)

[Ian Abley LinkedIn blogs](#)

[Inside Housing fire safety campaign](#)

Amendments and clarifications

- An early draft of this article referred to panels on Garnock Court as 'cladding' when 'window panels' is a more accurate description.
- A caption in section two said the combination of phenolic foam insulation and category two aluminium cladding failed in 24 minutes in official government tests, when in fact it failed in 28.
- The description of the 'Class 0' test in section one has been updated to include reference to the 'fire propagation test' which materials must also pass to receive a Class 0 rating.

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