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29 June 2018

Dear Clive,

I write in reply to your letter of 28<sup>th</sup> June regarding my evidence to the MHCLG Committee on 27<sup>th</sup> June 2018 in respect of the Independent Review of Building Regulations and Fire Safety.

In your letter, you requested further details of the buildings that I had referred to which did not comply with the requirements of building and fire safety regulations after cladding had been removed following the Grenfell Tower fire.

Neither I nor the BBA knows the addresses of the circa 30 buildings referred to. The information I raised with the Committee was provided to the BBA by a person whose identity is known to us but who wishes to remain anonymous for fear that their business will suffer a detriment as a result of making a detailed disclosure. This person has extensive experience in the cladding industry and we consider him/her credible.

We have sought and received assurances from the source, however, that the buildings referred to have received, or are receiving, remediation to make them safe, and that the property owners are aware of the issues.

This is not to say that my concerns have been addressed as we have undertaken our own research which appears to corroborate the whistleblower's information.

During August 2017, BBA Inspectors visited between 30 – 40 tower blocks from which cladding had been removed and made a visual inspection from the street as to what could be seen beneath where the cladding had been. I do not know whether the buildings we visited are the same as those which the whistleblower is concerned about.

In a small but significant number of cases where the cladding had been removed, we saw evidence of the absence of fire breaks or missing fire breaks; fire breaks installed incorrectly; the absence of fixing brackets for the rail systems or for securing the insulation to the façade. In some instances, different insulation products were seen on the same building and we were concerned about how well the implications of such changes had been considered.

Of course, we communicated our concerns to the then DCLG and suggested the Department undertake a review to determine whether the guidance it had issued to local authorities and housing associations in the aftermath of the Grenfell Tower fire had been followed. We do not know whether our advice was followed.

You also asked me in your letter whether there are any other points I wished for follow-up on and there are two:

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Firstly, I am concerned about the absence of a mechanism to deal with whistleblowers' information which relates to building safety. The above example is but one of many which comes to the BBA's attention. The law relating to whistleblowers is complex and there is, currently, no clear and obvious body (referred to as a 'prescribed person' in the legislation) to whom whistleblowers can make a disclosure and which has the knowledge, skills and powers to do anything about the issues raised. We note that Dame Judith has recommended (recommendation 1.4b) that the JCA be a prescribed person under the relevant legislation. We think this is a high priority because there is a large amount of invaluable and potentially life-saving intelligence from whistleblowers being squandered. However, the JCA must have expertise about construction products in order for it to be effective as a prescribed person and its membership as currently proposed would be inadequate in that regard. We trust that the MHCLG will find our views and proposals helpful to address the issues we raise.

Secondly, I welcome this opportunity to re-iterate my concerns about the role of procurement in the problems that I, and others, have raised with the Committee. The emphasis on cost above quality throughout the procurement, design and installation process has a seriously deleterious impact on outcomes from a safety perspective. I would urge Ministers to insist that in any procurement or tendering process, the balance between cost and quality must weigh in favour of the latter and that regulation is put in place to ensure that outcome.

I have copied this letter to Sir Ken Knight for his information.

I am grateful to have had the opportunity to appear before the Committee and I wish it every success in its vital work. Please be assured that the BBA and I stand ready to assist in any way that we can.

Yours sincerely



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