
From: Neil Jefferson
Sent: 20 April 2016 14:51
To: Mark Jones
Subject: FW: Insulation issue

See below, do you have any views on this?

I'll give you a call.

Cheers

Neil

From: Ian Davis (Operations Director)
Sent: 20 April 2016 13:27:05
To: Neil Jefferson; Andrew Wildon
Subject: RE: Insulation issue

The differentiation Neil proposes isn't needed. In this case NHBC Standards weren't met (leaving aside the point that if Building Regs aren't met then neither are the Standards because we require compliance with the Regulations).

On the general point Neil raises the policy on life safety issues has been in place for a while and is enshrined in the Inspection Standards Operating Procedures. It is true that we once would have accepted a local authority (or AI's) view on compliance even if we knew it was barking.

The advice is pretty clear, we can't just shrug our shoulders or turn a blind eye if we believe there is non-compliance on life safety issues because it would be commercially inconvenient. Our reputation would be shredded if we knowingly let something go we knew was life threatening and there was an accident.

I think issues that pose a threat to life, as opposed to causing inconvenience or a claim for a defect, are reasonably well understood. Broadly they are those issues covered by S4 of Buildmark.

Ian Davis
Operations Director

Direct tel: [REDACTED] | Mobile: [REDACTED] | Email: idavis@nhbc.co.uk



Raising Standards. Protecting Homeowners

NHBC, NHBC House, Davy Avenue, Knowlhill, Milton Keynes, MK5 8FP
Tel: [REDACTED] Fax: [REDACTED] | www.nhbc.co.uk

Please consider the environment before printing this email

From: Neil Jefferson
Sent: 20 April 2016 09:06
To: Andrew Wildon; Ian Davis (Operations Director)
Subject: RE: Insulation issue

Thanks Andrew and Ian for providing the copy.

I'm happy with Ian's description but would ask that we discriminate between our responsibilities as a warranty provider and Building Control body by amending one of the paras, something like:

As a result NHBC was left in a position of not knowing that the cladding on many buildings under construction met the Building Regulations without further evidence. Therefore it was necessary to review all Building Control projects over 18m registered with NHBC and to identify any that required further evidence to show compliance given the change in the BBA certificate and the publication of the BCA Guidance. Furthermore, as this was a life safety issue, we took legal advice and agreed to additionally review all projects registered for Warranty only (even though we were not the acting Building Control body for these projects).

Ian is aware that I have a concern that the legal advice we received in relation to the "Insulation Issue" is now also being applied to other so-called "life-safety" (a term which I think is undefined?) Building Control issues and I'm not sure of our grounds for doing so. Although I believe that we did absolutely the right thing in the case of K15 (because it was an emerging and complex issue of which other BCBs may have been unaware) I'm not sure why we should be forcing our interpretation of Building Regulations on builders who have chosen not to use us for Building Control?

This will have ramifications on our reputation and market share. Also, if all we do is drive builders to use other Warranty providers who are happy to support different interpretations (in the case of Galliard and possibly others), I really question whether we are fulfilling our role? Surely we should be taking obvious cases of dubious practice by other BCBs to government or another relevant body (BCA?) rather than simply covering our own backsides!?

Regards

Neil

From: Andrew Wildon
Sent: 20 April 2016 08:01
To: Ian Davis (Operations Director); Neil Jefferson
Cc: Jelena Hrabrova
Subject: RE: Insulation issue

Thanks Ian – noted.

Neil – anything further?

Andrew Wildon
Head of Risk and Compliance

Direct tel: [REDACTED]
Mobile: [REDACTED]
Email: awildon@nhbc.co.uk



Raising Standards. Protecting Homeowners

NHBC, NHBC House, Davy Avenue, Knowlhill, Milton Keynes, MK5 8FP
Tel: [REDACTED] | Fax: [REDACTED] NHBC - www.nhbc.co.uk

Please consider the environment before printing this email

From: Ian Davis (Operations Director)
Sent: 19 April 2016 06:37
To: Andrew Wildon; Neil Jefferson
Cc: Jelena Hrabrova
Subject: RE: Insulation issue

Andrew,
Almost impossible to keep on top of BBA certificate changes - there are thousands of certs - as well as changes to standards and regulations.

Probably could have been quicker in realising that Kingspan were procrastinating but that's hindsight. Legal advice was taken in response to Kingspan's reaction threats and inevitably caused further delay.
Ian

From: Andrew Wildon
Sent: 18 April 2016 22:54:06
To: Ian Davis (Operations Director); Neil Jefferson
Cc: Jelena Hrabrova
Subject: RE: Insulation issue

Thank you Ian

So to be more specific on the first point, in an ideal environment would we have noted the BBA change earlier and its implications and so had earlier dialogue with Kingspan? I ask as the BBA change occurred in Dec 2013 and as I recall we went for legal advice early 2015.

Please note I am not in a blame game, just trying to spot if any process tightening is warranted.

Andrew

Andrew Wildon
Head of Risk and Compliance

Direct tel: [REDACTED]
Mobile: [REDACTED]
Email: awildon@nhbc.co.uk



Raising Standards. Protecting Homeowners

NHBC, NHBC House, Davy Avenue, Knowlhill, Milton Keynes, MK5 8FP
Tel: [REDACTED] Fax [REDACTED] | NHBC - www.nhbc.co.uk

Please consider the environment before printing this email

From: Ian Davis (Operations Director)
Sent: 17 April 2016 21:14
To: Andrew Wildon; Neil Jefferson
Cc: Jelena Hrabrova
Subject: RE: Insulation issue

Andrew,
See comments below. Neil may want to add comments.

Ian Davis
Operations Director

Direct tel: [REDACTED] Mobile: [REDACTED] | Email: idavis@nhbc.co.uk



Raising Standards. Protecting Homeowners

NHBC, NHBC House, Davy Avenue, Knowlhill, Milton Keynes, MK5 8FP
Tel: [REDACTED] Fax: [REDACTED] | www.nhbc.co.uk

Please consider the environment before printing this email

From: Andrew Wildon
Sent: 13 April 2016 22:38
To: Ian Davis (Operations Director); Neil Jefferson
Cc: Jelena Hrabrova
Subject: Insulation issue

Hi both

We had a lot of discussions and saw a lot of reporting on the insulation issue that arose last year. This was logged as an incident and reported as such. From our records we are missing two important pieces of information:

1. What was the root cause of the insulation issue (assuming there was one but feel free to add a few if you think it was a combination of things)

Building Regulations require the cladding of buildings over 18m to be of limited combustibility. There are a number of ways of meeting this requirement. Many buildings of this type use phenolic insulation boards, such as Kingspan's K15 (which has been used extensively), in sandwich wall constructions. The boards are not of limited combustibility but the overall wall construction or cladding may still be acceptable.

Following a change in the BBA certificate for Kingspan's K15 insulation product in December 2013 the option to place reliance on the manufacturer's opinion of the suitability of types of wall construction beyond those specifically tested no longer became an acceptable route to show compliance with the Building Regulations.

In addition, In June 2014, the Building Control Alliance produced further guidance on routes to show compliance with the regulations.

NHBC had been engaging with Kingspan throughout 2014 to agree how a body of evidence could be developed, for example through further testing and expert fire engineering opinion, to show compliance.

Unfortunately, these discussions did not progress well with Kingspan reluctant to accept they had a significant role in helping to solve the issue.

As a result NHBC was left in a position of not knowing that the cladding on many buildings under construction met the regulations without further evidence. On legal advice, as this was a life safety issue, it was necessary to review all projects over 18m registered with NHBC and to identify any that required further evidence to show compliance given the change in the BBA certificate and the publication of the BCA Guidance.

This resulted in 'blocking' conditions being applied to relevant projects, some of which were at an advanced stage of construction and caused considerable customer dissatisfaction.

Also, as the issue and knowledge developed it became apparent in addition to concern over the type of insulation used, some types of external cladding, such as aluminium composite panels, also required further evidence to show they complied with regulations designed to control the spread of fire. Knowledge also developed as a result of a number of fires in tall buildings overseas.

2. What if any corrective action has been taken to help prevent re-occurrence

Discussions have been held with BBA to reinforce the protocol of consulting NHBC on new or amended certificates which make reference to compliance with NHBC Standards. For example a recent revision to the certificate for K15 was agreed with NHBC as well as the manufacturer.

NHBC has published technical articles in Standards Extra to inform builders and designers. We have also presented at a major conference organised by BRE primarily for the cladding industry. We have provided training to builders on request. We are also considering hosting a conference on the issue for our major builder customers and their designers.

Through specialists in Housebuilding Standards and Technical Services we scan the external environment for technical developments, however, like all intelligence gathering activities this is an imperfect science.

I have emailed you both as I am aware it crossed over your directorates with regards to who was involved in this incident.

Can you please provide the above information and if you need some input in order to get true clarity here, please say and we can support that.

Andrew

Andrew Wildon
Head of Risk and Compliance

Direct tel: [REDACTED]
Mobile: [REDACTED]
Email: awildon@nhbc.co.uk



Raising Standards. Protecting Homeowners

NHBC, NHBC House, Davy Avenue, Knowlhill, Milton Keynes, MK5 8FP
Tel: [REDACTED] | Fax: [REDACTED] | NHBC - www.nhbc.co.uk

Please consider the environment before printing this email