

End Our Cladding Scandal meeting with Telford Homes – June 2024

Following [our previous meeting with Telford Homes in late January](#), we had a follow-up meeting on 4th June to discuss progress with their building safety remediation programme.

We met with Jason Newbold, Remediation Programme Director; Giorgia Sharpe, Remediation Engagement Lead; and Graeme Mitchell, Remediation Associate Director with a focus on design delivery.

Update on progress with assessments and remediation

Two weeks after our meeting, DLUHC published a quarterly update on [developer remediation progress by the end of April 2024](#), although this was not yet available at the time of our meeting so the most recent Developer data available only covered the period up to the end of January.

In Telford's opinion, DLUHC's published statistics don't fully reflect all the progress being made, for example, in the stages leading up to works starting on site; they also noted that the reporting does not identify (and therefore prioritise) buildings based on the level of risk to people living in them, which they would prefer.

- **Telford outlined that it has 148 relevant buildings in scope** of the [developer remediation contract](#) (although the more recent DLUHC report shows a slight reduction, to 146).
- **134 buildings (92%) had been assessed and 12 buildings did not have an assessment** as of 30th April, based on DLUHC's data. By the time of our meeting, we were advised that assessments were still outstanding for seven buildings, and this was attributed to ongoing negotiations to secure access permissions.

In January, Telford had informed us that their goal was for all assessments to be completed by Easter 2024. Although the goal was not met, good progress had clearly been made in this respect, with 59 buildings (40%) completing an assessment in the last two quarters; this is more than any other developer in the same period.

- **Telford expects remediation to be required in 66 buildings** (*no change since our meeting in January*). The report subsequently published by DLUHC stated that 101 buildings had so far been found to require remediation – but we will assume (for now) that this is a reporting error, as the information given during our meeting was very clear and Telford's team would have submitted their data to DLUHC ahead of our meeting.
- **Telford will reimburse Responsible Entities for remediation works on 13 buildings** (*no change since our meeting in January*). This mainly relates to buildings where a Housing Association (HA) has undertaken works. We were told that "settlement offers" had been made with respect to 11 buildings to date, while the developer is currently trying to engage on the other two cases.
- **Self-remediation works had only started on site at one building.** In terms of starting on site, Telford remains significantly behind the pace of its peers in the industry. The average developer has started or completed self-remediation works in 39% of currently identified buildings.
- **Remediation design is being worked on for 26 buildings**, with plans to [submit "Gateway 2" applications to the Building Safety Regulator \(BSR\)](#) for building control approval of all 26 buildings this year.

Commissioning more fire safety assessments than expected

For buildings where remediation is not expected to be required, we were advised that Telford is actively procuring [Fire Risk Appraisals of the External Walls \(FRAEW\)](#), also known as PAS 9980 reports, to evidence that no works are needed and "discharge their obligations". They are also approaching [Principal Accountable Persons \(PAPs\)](#) to request internal Fire Safety Assessments and fire door reports, but where these aren't

available, Telford said it is offering to undertake internal surveys; this had been agreed for four developments to date. This would include intrusive [Type 2 Fire Risk Assessments](#) on common areas “where necessary”.

Telford’s team commented that fewer PAPs had up-to-date PAS 9980 reports or internal safety assessments than they had expected to be available, so the developer had taken on “significantly more workload” in this regard than it had anticipated.

Impact of the new Building Safety Regulator

Telford had queried with the BSR whether internal compartmentation works could be [classified as “emergency repairs”, which would mean that notice of works would only need to be provided “as soon as reasonably practicable after work had started”](#), rather than Gateway 2 approval being required before works could start on site. After all, developers are undertaking such works where they meet the criteria of being “life-critical” fire safety defects under the [developer Self-Remediation Terms](#), and the legislation defines “emergency repairs” as those which are “necessary to be carried out as a matter of urgency due to the risk to health, safety or welfare of persons in or about the building.”

However, we were advised that Telford had recently been informed that Gateway 2 submissions would be required for all compartmentation works. Their understanding was that the Regulator would “fast-track” and validate such remedial works as a priority – but this extra step, not anticipated by the developer, will obviously impact their planned start dates for some internal works, at least for the first tranche of buildings.

We will raise this issue during our next contact with the BSR – however all government departments, including arms-length bodies like the BSR, have unfortunately [paused any policy-related communications during the run-up to the General Election](#) on 4th July (even where factual responses on government policy appears to be allowable within the rules).

From Telford’s perspective, it had also been “quite difficult” to formulate the detailed technical submissions required for internal works, because the BSR had not issued any kind of template – so there will be an element of learning and adapting if the first submissions do not satisfy the regulator’s expectations. But overall, the team felt “quite comfortable” that they would be able to meet the BSR’s requirements.

As we all know, it is far from unusual to uncover further defects during “opening up” works, and as Telford is unable to fully open up each building in advance of making a Gateway 2 submission (they are sampling one corridor in each building), they noted there is a risk of works needing to stop and start if extra issues are uncovered which were not specified in an application.

They also highlighted that separate registration is needed for each block and each application requires authorisation from the building’s PAP before submission, and all of these steps increase the risk to the planned timelines. Telford acknowledged that it had originally anticipated making submissions to the BSR before now and this step is delayed. Their first BSR submission is now expected by late June.

Disputes over building assessments or the scope of remediation work

For a small number of buildings, an access licence has not yet been agreed with the Responsible Entity and this continues to delay either undertaking a FRAEW assessment or starting remediation works on site.

For example, at a development in Tower Hamlets which has a leaseholder Right to Manage (RTM) company, remediation works had been a matter of weeks away from starting on site when it was removed from the Building Safety Fund and transferred to Telford for self-remediation. Legal discussions have been ongoing for many months to try to ensure the freeholder could be made a party to the contract. During our meeting,

Telford's team described this situation as having been "sorted," but our understanding from the RTM directors was that further work was still needed to provide the indemnities the freeholder requires.

DLUHC had offered a mediation process between the parties in this case, but the leaseholder directors did not regard this as a "dispute" – and they point out that the relationship and communication with Telford has been good. In their view, "grey areas" and a lack of clarity in the Building Safety Act legislation has left volunteer RTM directors open to litigation by a "building owner", and that has taken significant time and legal advice to work through. Although it may be too little and far too late, we understand that DLUHC intends on issuing "plain English" guidance for RMC and RTM directors in the near future.

At a development in Lambeth, conversely leaseholders *do* regard themselves to be in dispute with Telford, over the outcome of a PAS 9980 assessment commissioned by the developer, which recommended that no remediation works were required. The building has a "B2" rated [EWS1 assessment](#) and previously had plans for a £14m remediation project, before liability passed to the developer. As no new EWS1 assessment had been undertaken to supersede the previous B2 rating, it had proven impossible for leaseholders to remortgage or sell their homes other than to cash buyers; without a remediation plan, there is also no pathway to reduce the continued high insurance costs.

Telford's team described this as their "most complicated project," with dozens of different cladding scenarios, and claimed to have made "a full commitment to do whatever was required" to resolve the issue, after meeting with leaseholders and residents in September 2023. From their perspective, there is now a path forward, as a programme of bespoke testing by a panel of engineers has been agreed by all parties and would be procured later this summer, funded by Telford Homes. Jason Newbold confirmed that they "will stand by whatever outcome [is recommended by the panel]". We will continue to monitor the feedback from leaseholders and residents as this situation progresses.

Meanwhile at a development in Newham, East London, leaseholders are concerned that Telford will not fund the full extent of remediation works that are required, such as balconies and defective fire doors. Telford noted that they had engaged regularly with all stakeholders at this development over the last 12 months and were "not aware that any leaseholder is [currently] out of pocket" – however, the council has already declared fire doors to be non-compliant and leaseholders have been informed by the managing agent that they are expected to pay, so being "out of pocket" is surely imminent.

More widely, we are aware of far too many cases where developers that have accepted responsibility under the [developer remediation contract](#) are trying to pass costs for fire door remediation onto leaseholders, often because the managing agent has not retained sufficient records and therefore non-compliance could theoretically be due to wear and tear. However, if a large proportion or all doors are found to be non-compliant, this will often indicate a defect from the time of build, so it is imperative that a common-sense approach is taken. After all, Telford Homes had described to us that their approach is to be "as generous as we can be," by dealing with "anything that could be considered a defect... unless there is a question mark over obvious damage."

Telford's team also cited an example of a development where remediation works had initially been funded under the government's Building Safety Fund, but leaseholders had been required to pay for balcony remediation. In this example, the balconies had an expected life of 30 years and were replaced after 17 years, therefore Telford had offered to reimburse 13/30^{ths} of the cost – on the basis that leaseholders had 17 years of use and had only paid to replace the balconies 13 years earlier than they would otherwise have expected to. It was their opinion that such offers were "generally accepted and positively received."

We have not heard any feedback from leaseholders who have received partial reimbursement offers of this nature but in our view, even if the calculation has some logical basis, this is still making leaseholders pay for the remediation of *life-critical fire safety defects* for which they are not responsible – and forcing them to raise the money long before they would ever have needed to fund end-of-life repairs.

While we agree that in general Telford's approach appears to be more "generous" than some other participant developers, we want to see the next Government act to ensure a consistent entitlement to reimbursement for all costs associated with remediation, mitigation and excess insurance premiums, so that it is not a question of relying on goodwill or "pot luck", depending on who your developer is.

Non-remediation costs incurred by leaseholders due to building safety defects

Amendments were recently made to the Building Safety Act, during the passage of the Leasehold and Freehold Reform Bill, clarifying that [expert reports and "relevant steps" to prevent or mitigate the impact of a fire or potential fire incident – such as waking watch, alarms or the decanting of residents – are relevant costs which leaseholders and other interested parties can seek to recover](#) via a Remediation Contribution Order. Despite this clarification that such costs are recoverable, we are sadly aware that [some large developers will not consider reimbursement of costs of this type](#) in any circumstances, unless leaseholders apply to the First-tier Tribunal. It was positive to hear from Telford that their approach is to reimburse all costs incurred for waking watch and alarm installations, if such measures seemed "sensible" and it was clear they had been commissioned "in good faith."

However, in relation to exorbitant insurance costs that leaseholders have incurred while waiting for remediation works, Telford claimed that no leaseholders had approached the company so far to ask for incremental costs to be reimbursed.

They highlighted that at some developments, including two in Poplar and Limehouse, they had provided confirmation of their commitment to undertake remedial works which had enabled leaseholders to secure an insurance policy with Aviva, which capped their insurance premiums at a much lower rate. However, access to this policy is predicated on having a full scope of works, which of course rules out those buildings where a scope of works remains outstanding.

According to leaseholders from the developments which had successfully secured insurance cover under this policy, their costs have reduced by around 60-70% – but even in these cases, costs remain significantly elevated since the building safety defects were first discovered (by +166% and +350% respectively).

Broadly speaking, the insurance industry has different expectations about the standard of remediation that is required to protect both life safety and property loss, which goes beyond the minimum commitment in the developer contract – however, Telford said it has not had cause to meet with any individual insurers to discuss cases where insurance has remained high due to a lack of remedial work or due to the scope of works proposed. The developer said it is lobbying government to intervene on the issue at a national level and wanted leaseholders and other stakeholders to do the same.

Communication & the Code of Practice for remediation

At our previous meeting, Telford had referred to the upcoming launch of their resident portal on the Dwellant platform, to enable more direct communication with leaseholders and residents. This would initially be piloted by five buildings, with a view to a full rollout by the end of 2024. When we met in early June, they updated us that the portal had been rolled out to 12 sites, including all "priority projects" (the earliest to begin remediation). Developments are added to the portal shortly before works are due to start on site.

In recent months, we have received feedback from leaseholders and residents that the frequency of communications has increased, both through monthly meetings and the online portal – although some have expressed frustration that there is little new information or sense of progress with each new communication.

Clear information had been shared about [the four phases of the project, or “resident journey”](#), although there was feedback that it would be useful if expected timescales were outlined in the journey mapper and if communications could show progression against this timeline. When there has been slippage, it would be useful to explain by how much and why. At a Greenwich development, for example, leaseholders had previously been led to expect works would start on site during Q3 2024, but the most recent communication had indicated that the start date could still be around 9 months away; they felt that “the failure to meet their earlier deadline was brushed under the carpet,” rather than acknowledged and explained.

Telford’s team accepted the feedback but said that they would not have firmer timelines to give to specific developments until their BSR application had been submitted; they acknowledged that they had originally expected to be at that stage before now.

We were told that more employees were being brought into the resident engagement team and that they are developing a series of different communications and will be making information accessible to residents and leaseholders in different formats, including newsletters, posters, monthly blogposts on their online platform and face-to-face engagement.

We suggested that an ideal blog topic would be to outline their commitment to the [Code of Practice for the remediation of residential buildings](#), with practical examples of what this would mean in practice. The Code of Practice covers a wide range of simple measures that can be taken to improve the experience for residents whose homes are effectively turned into a building site during a remediation project.

One important example is ensuring that wherever possible, natural ventilation and light are maintained; [buildings that have been covered in Monarflex plastic wrapping throughout remediation works have been described by MPs as leaving residents “close to breaking point” and in conditions which are not fit for animals](#). The Code of Practice states that “opaque and solid coverings should only be used where there is no other suitable alternative (these should include netting, mesh and transparent coverings).” Telford confirmed that they intend to use alternatives wherever possible but could not guarantee that there will be no use of Monarflex on certain elevations.

More broadly, the team assured us that they regard the Code as “common sense” and that “any decent contractor would comply with it [...]. The principles are reasonable things that reasonable people should do.” This outlook is welcome, but we will be monitoring feedback to be sure that it is applied in practice.

Thank you to Telford Homes for meeting with us and discussing some of the concerns raised by leaseholders and residents. We agreed that we would meet again towards the end of the year, when we will continue to seek more support for affected leaseholders and residents who remain trapped in the building safety crisis.

Call to action!

Are you a leaseholder or resident in a Telford Homes building, having issues in relation to assessment or remediation – and unable to get a satisfactory response via your managing agent? Please email the developer directly at buildingsafety@telfordhomes.london and copy us at endourcladdingscandal@gmail.com if you would like us to be aware of the issues being raised and to follow up if needed.

If you need to escalate your concerns to DLUHC, please email building.safety@levellingup.gov.uk, providing the name and address of your building, together with a short summary of your concerns, and detailing the attempts you have made to contact the developer. Please copy our team at endourcladdingscandal@gmail.com so that we can follow up where necessary.