

BME LAWYERS4 GRENFELL



The Chair of the Grenfell Tower Inquiry,
Right Honourable, Sir Martin Moore-Bick PC.,
The Royal Courts of Justice,
The Strand,
London WC2A 2LL

25 July 2017

Dear Sir Martin,

Re Grenfell Tower Inquiry: Composition of Inquiry Team & Advisers, Terms of Reference and Format

We write further to our previous correspondence of 9 July and 21 July 2017. We have not received an acknowledgement or response to the letter, sent by email 21 July 2017. Notwithstanding this, it is imperative that we push forward with a number of concerns that have been repeatedly relayed to us by a number of survivors, residents and community volunteers. We would be derelict of our duty if we did not do so.

Selection of the Inquiry Team

We have been transparent about our concerns in this regard from the outset, making it clear, at the same time, that we do not question your ability and integrity as a retired Court of Appeal Judge, or equally, of your Inquiry Team, but do have concerns about the appropriateness of your appointments in this unique Public Inquiry. Many others share this disquiet. The lack of openness and transparency in your appointments is of huge concern to the survivors, families and community. It is not enough to state that the Inquiry must be given

a chance to do its job when trust and confidence in the Inquiry has already been hugely damaged at this early stage. The community will not be patronised and seeks answers, through us as well as others. We therefore raise the following questions to which answers are sought, whether directly from you or others:

1. Please outline the criteria that was deemed necessary for the post of Chair of this Inquiry;
2. Please outline the criteria that was deemed necessary for the posts of members of the Inquiry Team and its Secretariat;
3. Please outline the process by which you were selected;
4. Please outline the process by which the legal members of your Inquiry Team were selected;
5. Please outline the process by which member of Secretariat to the Inquiry Team were selected;
6. If an open and fair system of selection, such as open advertising of any of the posts were not undertaken, please explain why it was felt that there should be no consultation or competition;

You will no doubt appreciate the fact, as others, including the community have, that there may well have been far more appropriate appointees who were not given the opportunity to apply and/or were simply overlooked. Serious concerns about the lack of diversity in your Team has also been communicated to you, including our letter of 21 July 2017. On behalf of the survivors, family and the community, we also ask the following questions:

7. Were the provisions of the Equality Act, and, in particular, sections 50, 51 and 149, taken into consideration overall and, in particular, in your appointment and the appointments of your Team and Secretariat? If they were not, please provide an explanation why and what, if anything, is proposed to be done about this.

At present, there is nothing to suggest that any regard has been given to the provisions of the Equality Act. As a result, there is a perception that your Team is narrow in its ethnic and socio-economic background and will thus come to their task from an equally narrow viewpoint. We are further concerned that your legal team does not appear to have the expertise or experience in a number of key areas, including, but not limited to, fire regulations, social housing or local authority law.

Had proper and due consideration been given to the provisions of the Equality Act 2010, the appointments of the Inquiry Team would undoubtedly have been made more fairly and openly, and would have yielded a greater diversity of ability, experience and background. Credibility is key to legitimacy in the public eye and is key to inspiring confidence. The choice of the Inquiry team however can still be adjusted at this early stage however without any harm being caused. Any such appointment must not be seen as a cosmetic exercise or at such a junior level to undermine the exercise.

Potential breach of the Equality Act

It is our opinion that the appointment of the Inquiry Team may well have been in breach of the Equalities Act 2010. Candidates who were at least as well qualified as those appointed, many of whom come from a diverse and BME background, were not given an opportunity to apply. Had the appointment process been fairer, there may have been a greater diversity of background among your team and an attendant increase in confidence and engagement in the Inquiry itself.

We attach this letter a list of suitably qualified persons who you should have considered, and who can still be appointed to form a part of your legal team. This list is not finite; there are undoubtedly others suitably qualified but we provide this list as an example.

Advisory Panel

You would clearly be assisted by proceeding with a Panel of Advisors with expertise in a range of areas that are relevant and pertinent to the issues at large. The Advisory Panel should be diverse in its experience, expertise and background. Such a visibly diverse panel would assist you in the difficult task ahead and help you to win back some of the community's trust.

The attachment to this letter also contains a list of suitably qualified individuals who we believe should be considered for this Advisory Panel.

The Terms of Reference

The Terms of Reference we recommend are as follows:

"To inquire into the matters arising from the Grenfell Tower fire, in order particularly to identify acts and omissions that contributed to it, and to identify the lessons to be learned to avoid such tragedies and to mitigate their consequences. To further inquire into the lessons to be learnt from the response to the immediate and longer-term aftermath of the fire".

The above Terms should be interpreted widely, to include the following:

- The cause(s) of the fire;
- Why the fire spread so quickly and the role the cladding played, and other combustible materials that may have contributed to the level of injuries and fatalities;
- The emergency services' response;
- Whether fire safety measures were adequate; to examine what measures could and should have been taken to improve safety for the residents; whether the "stay put" policy was correct and/or appropriate;
- Whether the cladding should have been used on Grenfell Tower at all, and if not, the process by which it came to be there, the systems in place within the local authority, the fire brigade and other regulators to scrutinize fire safety matters; what went wrong with the systems and why and the root causes of the errors;

- Whether cost-cutting measures adopted and implemented by central and local Government and/or deregulatory measures affected the local authority's and emergency services' ability to protect residents before and after the fire;
- To assess whether the distribution of housing in Grenfell Tower and the locality was fair and whether socio-economic or racial and ethnic backgrounds played any part in their distribution or the willingness of the local authority to listen to the concerns of tenants or tenants association;
- To assess the effectiveness of fire safety legislation and building standards legislation in the United Kingdom to see how it should be improved;
- To assess the number of tower blocks in the UK which are not affording residents an appropriate level of safety from fire and recommend how improvements can be made;
- To assess the response of central & local Government to the needs of survivors, their families and other local residents in the aftermath of the fire, to ensure lessons are learnt for the future.

Conduct of the Inquiry

We reiterate our request to discuss with you directly the conduct of the Inquiry. We believe the Inquiry should be conducted in an open and transparent way, with consideration being given to TV and other media. We welcome the commitment to ensuring that survivors and victims' families have a voice in the Inquiry through properly funded legal representation. To ensure maximum access, proceedings should be interpreted in the main languages spoken in the community with the Inquiry held in a large auditorium to facilitate attendance by the survivors, their families and the local residents affected. An interim report should be produced by 31 December 2017, with the full report to be completed by 30 November 2018 at the latest, with time limitations placed on the "Salmon Letter" procedure so that process does not delay the Inquiry report being concluded. We have of course also suggested a two-stage process with the first of the Inquiry focusing on the specific technical issues and the second part to focus on the socio-economic and societal issues.

We want the Grenfell Inquiry to succeed. We believe it has the best opportunity to do so if the above points are given weight and acted upon. We are concerned that if they are not, you risk further losing the trust and support of the community.

We request a response, whether directly from you or others, to the answers set out in this letter no later than 4 August 2017.

Yours faithfully



D Peter Herbert O.B.E. (SBL) & Mrs Ismet Rawat (AML)
On behalf of the undersigned groups.

Email: contact@bmelawyers4grenfell.com

The Society of Black Lawyers (SBL)
The Association of Muslim Lawyers (AML)
BLAKSOX
The Society of Asian Lawyers

Black Activists Rising Against Cuts
Operation Black Vote
The Association of Black Probation Officers
Cc. The Prime Minister, the Honourable Theresa May M.P.
Cc. Cressida Dick, Metropolitan Police Commissioner