



Grenfell Legal Support: Response to Terms of Reference Consultation

Introduction

Grenfell Legal Support (GLS) are an independent, voluntary organisation that was set up in the immediate aftermath of the Grenfell Tower fire of 14th June 2017, with the primary aim of ensuring effective access to legal information, support and justice for those affected by the fire. Our founding members include two lawyers, one of which lost a family friend in the fire and another who volunteered at the Al Manaar Cultural Centre and has a background in humanitarian response. Another founding member is from the local area and was previously a doctor with experience of disaster response scenarios, having worked in the 2004 Tsunami and 2015 Nepal earthquake.

GLS have assisted bereaved families, survivors and residents with a plethora of different legal and pastoral needs, providing information to affected persons, signposting to relevant established organisations and assisting with coordinating the legal effort, along with instructed law firms and other coordinating bodies. From early July, GLS have worked alongside Grenfell Muslim Response Unit, acting as their legal referral arm.

GLS **do not** act as legal representatives for affected people and do not favour the instruction of any particular law firm(s). We believe the choice as to who to instruct as legal representative is personal and that those affected should be making informed decision themselves. We have assisted affected persons in identifying the qualities of a good lawyer and directed them to leading legal directories so that they are aware of who the leading lawyers are. We are also here to receive any feedback from people who have instructed lawyers and have any queries or uncertainty.

GLS have provided this response to the independent public Inquiry into the Grenfell Tower Fire, as part of its consultation on the Inquiry's Terms of Reference and in addition to the verbal responses provided during the last few weeks, including during public meetings as well as private meetings with members of the Inquiry Team.

We have encouraged affected persons to engage in this consultation process in order that their voices are heard. It is our hope that the Inquiry Team take the time to carefully consider each and every response to this consultation and provide individual feedback evidencing the fact that responses to the consultation have in fact been considered.

Proposals

The Inquiry should be as **wide** as possible to ensure the full facts come to light. The breadth of the Inquiry will be established not only by the scope of the Terms of Reference, but also by who is permitted to participate as a Core Participant at the Inquiry, and the extent to which Core Participants can access evidence and put questions to witnesses at the Inquiry.

It is the contention of GLS that the Inquiry process should not be limited by the confines of the Inquiries Act 2005 and that its findings should be independent of scrutiny by governmental or parliamentary figures or authorities.

As an overarching principle, GLS would request that the Inquiry use as a guide the precedent of a broad inquiry as established by the Scarman Inquiry into the riots in Brixton and the MacPherson Inquiry into the investigation of the murder of Stephen Lawrence.

GLS adopt and endorse the proposals submitted by:

1. *INQUEST*;
2. BME Lawyers for Grenfell;
3. Chambers of Michael Mansfield QC;
4. Garden Court Chambers;
5. Grenfell Muslim Response Unit;
6. The Muslim Cultural Heritage Centre (Al Manaar);

We note that the submissions of *INQUEST* detailed hereunder, have also been endorsed by *Grenfell United*. Additions by GLS have been identified in **[square brackets and bold]**.

In making the below submissions GLS reserve our right to make further additions to these submissions. Furthermore, the submissions made hereunder are made subject to receipt and review of the first draft Terms of Reference submitted to Parliament and the Lord Chief Justice, as mentioned in the House of Commons on 22nd June 2017 by Baroness Evans, and GLS hereby request that such draft Terms of Reference are made publicly available.

Purpose

To establish and report on the causes of the Grenfell Tower fire, ensure that the necessary changes are made to prevent similar deaths in the future and that shortcomings in the aftermath of the tragedy are not repeated.

Underlying principles

The voices and experiences of those affected must be at the heart of this Inquiry and inform every stage of the process. The Inquiry must:

- A. Recognise and address the pain, trauma and individual and community damage caused by the tragedy and the lack of public trust and confidence in the state institutions involved;
- B. At all times ensure that bereaved people, survivors and affected residents have a full and central role in the inquiry process;
- C. Ensure all those affected are treated with dignity and respect;

- D. Examine the role played by institutional racism, discrimination and inequality;
- E. Establish truth and accountability;
- F. Ensure visibility of its processes and its decision making.

Terms of Reference

The Inquiry should investigate the following:

1. The background leading up to and surrounding the fire:

- a. The provision of social housing and its relevance to Grenfell Tower and the surrounding area;
- b. The design, planning, development, construction, modification and fire safety of the building, including the procurement and tendering processes;
- c. The role and oversight of public bodies, their agents, contractors, inspectors and auditors;
- d. The concerns raised by affected local residents and the extent to which those concerns were adequately addressed;
- e. The action taken by local and central government in response to warnings about safety risks in similar social housing;
- f. The extent to which the human right of residents to live in adequate and safe housing may have been violated.

2. The fire, its cause/spread/impact, and the immediate emergency response:

- a. The building and its materials;
- b. How the fire started, why it spread so fast and the preventative measures in place – fire alarms, sprinkler systems, fire doors etc.;
- c. The situation faced by those inside the tower and the advice provided to them;
- d. The immediate emergency response;
- e. Allowing the fire to burn out and the impact upon forensic evidence, the respect for the dignity, integrity and identification of victims and the impact on the bereaved and their families;
- f. A record of those who lived in the building before the fire, identifying those who have died, and explaining in the fullest possible terms whether there is justification for any on-going delay in producing a full list of fatalities;
- g. An audit of relevant recommendations and reports emerging from inquiries/inquests, expert reports into fire safety and the response of the relevant authorities to those recommendations and reports.

3. The aftermath of the fire, including:

- a. The adequacy of the support and help made available to bereaved people, survivors and affected residents;
- b. The role that discrimination, inequality or institutional indifference played in the systemic failures in the aftermath and the response at both a local and national level;
- c. The support role that voluntary organisations, non-state individuals and agencies were required to play;

- d. Why the recommendations and best practice learning from inquiries into previous disasters and mass fatalities regarding the treatment of survivors, bereaved people and affected community were not implemented.

In relation to each of the above paragraphs the Inquiry should consider the relevant content, compliance, enforcement and adequacy of applicable local and national policies, legislation and practices and regulatory controls.

[In addition to the above matters, GLS would propose that the Inquiry look into:

- a. **whether discrimination of any form impacted upon the decisions made by any individual or body in respect of any of the above;**
- b. **the historical context and evidence of the diversion of funds used in the regeneration of Grenfell Tower and the impact of this on the regeneration of Grenfell Tower; and**
- c. **the failure to take on board recommendations following the Lakanal House fire in 2009 in the regeneration of Grenfell Tower.]**

Process

For the sake of their own dignity and well-being and in light of the State's obligations under the Human Rights Act 1998, bereaved people, survivors and affected residents should be granted the right to ask questions in public of relevant witnesses, including through their own lawyers.

The Chair should be assisted by a diverse group of panel members and/or assessors who hold the necessary relevant expertise and the confidence of bereaved people, survivors and affected residents. This must include expertise in working with traumatised people, equality and diversity issues and lived experience of social housing.

[In addition to the above, GLS proposes that the Inquiry should be led by a Chair and Panel who are reflective of the ethnic diversity of the North Kensington community. We would also propose that at least one of the panel members/advisors should be a member of the local community itself, and another having a background and expertise in social justice matters.]

[GLS endorse the list of proposed panel members identified by BME Lawyers4Grenfell.]

[In designating Core Participants at the Public Inquiry, the Chair should generously approach the criteria set out in rule 5(2) Inquiry Rules 2006. In particular, the Chair should ensure that persons and organisations, who have played, or may have played, a direct and significant role or have a significant interest in an important aspect of the matters to which the Inquiry relates are designated core participants.]

[GLS request that at all Inquiry proceedings have in attendance qualified and NHS approved trauma counsellors.]

[GLS request the the venue of the Inquiry should be one which is close to the residents of the Grenfell community, preferably in the vicinity of North Kensington to enable easy access for those affected.]

[GLS request that the inquiry enforces its power to request the preservation of all vital evidence that may impact upon the findings of the Inquiry.]

Funding

In both phases, bereaved people, survivors and affected local residents must have the benefit of legal representation and automatic non-means tested public funding in order to achieve their full and effective participation.

[In addition to the above, we fully endorse the submissions made by the *Chambers of Michael Mansfield QC* as follows: travel expenses for attendance at the inquiry should be covered as well as for consultation with legal representatives, along with cost of childcare and other reasonable consequential expenses and loss incurred from their attendance at and/or participation in the inquiry. We also urge that there is equality of arms in the provision of public funding for the legal representatives (counsel and solicitors) of non-state/non-institutional Core Participants to enable their full participation in the inquiry.]

Method

The Inquiry should report to the Prime Minister as soon as practicable in two phases:

- Phase 1 should address the matters identified at paragraph 2 of the Terms of Reference section above, with a view to reporting urgently within 3 months on the immediate measures necessary to prevent any future recurrence of a similar tragic fire and its consequences. The Phase 1 report should in addition include a review of the terms of reference, making any recommendations as to their variation by the Prime Minister where necessary.
- Phase 2 should address the matters identified at paragraphs 1 and 3 of the Terms of Reference section above, with a view to reporting within 18 months on the medium and long term measures necessary to prevent any future recurrence of a similar tragic fire and its consequences.

Grenfell Legal Support
www.grenfell-legalsupport.org

CC to Theresa May
Jeremy Corbyn
Sadiq Khan