

The Grenfell Tower Inquiry

Submissions in response to the Terms of Reference from Mansfield 1 Grays Inn Chambers, Chambers of Michael Mansfield, Q.C.

These submissions are made in response to the consultation on the terms of reference (TOR) of the Grenfell Tower Inquiry. They are submitted on behalf of Mansfield 1 Grays Inn Chambers, Chambers of Michael Mansfield Q.C., barristers' chambers committed to human rights, equality and justice.

In order to ascertain the causes of the Grenfell Fire tragedy, and to ensure that the appropriate lessons are learnt, the Inquiry's TOR must go well beyond the fire at Grenfell Tower on 14th June 2017, with a timeline spanning the contextualized background of the history of the allocation of housing and public funding in the North Kensington area, the impact of regeneration/gentrification and funding cuts on the allocation and quality of community/ social housing to the aftermath of the disaster including the adequacy of support services to the survivors of the fire and the affected community.

Background

The Grenfell Tower fire occurred on 14 June 2017 at the 24-storey block of 129 flats In North Kensington, Royal Borough of Kensington and Chelsea, West London. The number of deaths has been estimated at 80 it is believed that, sadly, many more have died. The authorities have been unable to trace anyone who survived in 23 of the flats.

The Emergency Services were called at 00.54. The fire burned for about 60 hours until it was finally extinguished.

The Tower was managed by the Kensington and Chelsea Tenant Management Organisation (KCTMO) which had responsibility for the management of about 10,000 properties in the Borough. The KCTMO had a board comprising eight residents, four council appointed members and three independent members. The majority of the flats were let as council property but 14 had been bought under the right to buy scheme and occupied by leaseholders or let privately.

The block was designed and built in 1967 – 1974. The Grenfell Tower only had one central staircase. Grenfell Tower was the subject of major renovation in 2016. As part of this renovation the tower had new windows and new aluminum composite cladding installed.

Since the Grenfell Tower fire local authorities all around the UK have reacted to failed fire safety reports in housing block after housing block and evacuated tenants into alternative housing.

Most of the residents of the Grenfell Tower, and those displaced as result of the fire remain in temporary accommodation as they are yet to be rehoused in suitable accommodation.

Structure of the Inquiry

Interim reports

We are aware that as a part of the consultation the Chair and the Inquiry's team have had meetings with residents, survivors, bereaved family members, community groups and members of the community. We hope that the views aired will be taken on board by the Chair and the Inquiry's team. The trauma caused by the fire has been compounded by the continued displacement of residents of the tower and the surrounding houses, most of whom remain in temporary accommodation. The provision of appropriate permanent housing and coordinated support must be a priority and addressed as a short-term outcome.

We suggest that the Inquiry produces an interim report followed by a more detailed final report.

The interim report should:

- (a) recommend the establishment of a community trust fund, its size and governance to assist survivors, their families and other members of the community displaced or affected by the fire in re-establishing their lives and
- (b) target findings which will assist in the immediate efforts to ensure that buildings are safe now or how they can be made safe as soon as possible.

The final report should detail the findings relative to the cause of the fire, the emergency response, support services in the aftermath of the fire and recommendations.

Terms of Reference

We submit that the TOR should be sufficiently wide to enable the Inquiry's scope to fulfill the State's obligations under the Human Rights Act (HRA).

Relationship between State and Non-State Institutions – Art 2 and 3 HRA obligations

This should include an examination of:

- (a) the extent to which both State and non-state institutions, organisations and companies have failed in their duty of care to safeguard lives and have prioritized costs over safety, and
- (b) the steps that must be taken to ensure that the public is not placed at risk in the future.

Actions needed to adequately address the issues identified must also be examined.

Accountability of public officials

Accountability of public officials/agents of the State must be at the heart of this inquiry. Members of local and central government and their agents for whose conduct they are liable must therefore be called upon to give truthfully accounts of the conduct and failings that caused the disaster and have contributed to the continued failure to provide adequate support to those affected in its aftermath.

Specific Areas/ Modules

We also recommend that the following specific areas or modules be included in the TOR:

Background

- The public funding and provision of social housing in North Kensington
- The interrelationship between regeneration/ gentrification and social housing in North Kensington
- The impact of funding cuts on social housing and building safety
- The structure of the TMO and its relationship with RBKC
- the refurbishment of Grenfell Tower and the role of the TMO and RBKC in approving the works and the outcome of consultations with residents at this time and since

The Building Structure and Compliance with Regulations and Fire Safety Standards

- The cladding and whether the composite materials or their use on this building including attachment systems added to the extent of the fire, and the extent to which in any consideration of the competing costs options, fire safety standards and priorities were compromised or insufficiently assessed such that there was any reduction in fire safety capabilities
- Whether there had been appropriate or sufficient compliance with Building Regulations in light of the nature of its multi- occupancy by family units including young children and the elderly
- What warnings and complaints had there been about fire safety and risk regarding the Grenfell Tower
- Had other building fires and warnings been ignored
- Why were the Coroner's PFD recommendations from the Laknal fire ignored
- Fire safety regulations and how far they can be said to be fit for purpose
- The extent to which there had been adequate and sufficient oversight of the building work and renovation
- The extent to which the choice as to the respective merits of competing costs of materials used within the building and its renovation was a factor in either causing the fire or adding to the extent of the fire
- The extent to which any complaints or concerns raised by tenants/ occupiers of the building, or others on their behalf regarding fire safety standards being compromised or otherwise not being adhered to prior to the events of 14 June 2017
- The involvement of Insurance Companies in restricting information from other fires being known by the wider community and to specialist fire services and organisations.

The Start of the Fire and Fire safety within Grenfell tower

- How and where did the fire start
- Would an additional staircase have improved survival rates
- Should there be a 'set-aside' fire safety staircase
- Should there be a 'fire-lifts' installed in all buildings to assist fire crews
- Was the use of a sprinkler system in Grenfell tower or similar block within the borough ever recommended or considered as part of any refurbishment proposals; if there was a recommendation for the use of a sprinkler system, why was none installed
- Should a sprinkler system be installed in all buildings over a certain height or number of occupants
- Were the fire safety equipment, fire doors and safe routes up to date, adequate and fit for purpose
- Were fire alarms adequate and properly installed
- Was there any or any adequate fire safety training for residents
- What level of fire inspection had taken place and with what result
- To what extent have cost saving dictated the answers to the questions and issues raised above and how can regulation ensure that cost is not a driver when public safety is in issue.

Emergency Response to the fire

- Was there an appropriately coordinated emergency response
- Were the response times for the emergency services as fast as possible
- Was the firefighting equipment required available and in sufficient quantities/numbers
- Was there adequate personnel available from the fire services and other emergency response services
- Was the training for fire service personnel sufficient and capable of coping with a fire of this size
- Was the water pressure sufficient for a fire of this size
- Was there adequate provision of high ladders and were they on the scene as fast as possible
- Were radio communications affected by location of the fire being in high rise building with concrete potentially impeding radio use

- Was there adequate inter-service communication to assist the respective services in a joint response e.g. fire service and ambulance etc.
- To what extent have cost saving objectives affected the choices made when dealing with the issues above and whether cost factors were made subordinate to safety
- The “stay put policy” – why were residents told to remain in their flats/ “stay put” during the fire; was it appropriate for Grenfell Tower; did it contribute to loss of lives, is it an appropriate response to fires in buildings.

Support and Compensation

- To what extent did the support services, Local Authority and Central Government assist survivors, their families and all other community members affected during the fire and in the aftermath
- What lessons can be learned from the response of the Local Authority to the Grenfell Tower Fire
- Should there be a Local Authority mandatory emergency fund for large scale community disruption or disasters
- What systems or plans for Local Authority response should be put in place to deal with community needs following any large-scale disruption or disasters
- Were there any provisions for immediate community support in place and the extent to which the Local Authority’s reaction was unplanned and un-coordinated
- What additional pressures were placed on the community through the failure of the Local Authority’s response
- Has there been sufficient funding put in place to provide local community support and ongoing psychological and mental health support
- Was there adequate inter-authority cooperation to assist in the immediate re-housing of Survivors and their families
- Whether the current levels of compensation payable to families is in any way adequate
- There should be the immediate establishment of a community compensation trust-fund to provide payments to enable survivors and their families to re-establish themselves as soon as possible
- Whether the members of the community who have been relocated due to ongoing safety concerns in other buildings have been treated with sufficient care, dignity and respect.
- How can the principles of safety over cost and people first be embedded in the decision making process on these issues into the future

Core Principles

Engagement with the Community, Survivors and Bereaved families

We submit that the Inquiry must conduct its work transparently and in consultation with survivors, families and all members of the community affected and work with their representative organisations, groups and legal representatives.

Access to material and disclosure

The Inquiry must have full access to all material relevant to the scope of its investigation and must make such Orders as are necessary under the Inquiries Act 2005 to preserve and obtain all relevant material.

The Inquiry is encouraged to fulfill its disclosure obligations throughout the proceedings.

We are conscious that the draft terms of reference referred to by Baroness Evans of Bowes Park in the House of Lords on 22nd June 2017 and submitted to the Lord Chief Justice for his consideration and appointment of the Chair¹, remains unpublished. In keeping with the principles of transparency and as a part of the consultation process we request that these draft terms of reference be published in the Inquiry's website in the days ahead and certainly well in advance of the government's announcement of its response to the public consultation on the terms of reference.

Composition of the Panel

The appointment of Sir Martin Moore Bick has been met with much opposition by the community. We recommend that the Inquiry be led by a chair and panel of 3 – 5, (similar to the McPherson Inquiry into the death of Stephen Lawrence) who embody the ethnic diversity of the North Kensington community, residents, survivors, bereaved families. We would also recommend that at least one of the panel members/advisor should be a member of the community and another having a background and expertise in social justice matters.

Funding

We submit that non- state/ non- institutional core participants, particularly survivors, residents, members of the community and bereaved family members should be publicly funded to enable them to fully participate in the inquiry. This should include travel expenses for attendance at the inquiry and consultation with their legal representatives, cost of child care and other reasonable consequential expenses and loss incurred from their attendance at and 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 all non-State/non-institutional CPs to enable their full participation in the inquiry.

¹“ Draft terms of reference have been shared with the Lord Chief Justice and discussions about a potential chair are ongoing. We hope to have a confirmed appointment very shortly”: Extract of Baroness Evans of Bowes Park's discussions in the House of Lords; <https://hansard.parliament.uk/Lords/2017-06-22/debates/F0334C17-F25B-4848-99BB-114ED4F63EA5/GrenfellTower>

Location of the Inquiry

The inquiry must be located at a venue which is able to comfortably accommodate members of the public who wish to attend and should be located within reasonably close proximity to the North Kensington community to enable easy access for members of the community.

Evidence

Witnesses should be encouraged to give live evidence where it is necessary and they are able to and alternatively given the option of having their statements read.

Support for Services During the Inquiry

It is also essential that counselling support is available at and during the Inquiry to members of the community/ bereaved family members/ survivors and residents who attend and particularly for those who give evidence requiring them to recount the experiences of 14th June 2017.

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4th August 2017