

Grenfell Tower Inquiry

The Rt Hon. Theresa May,
Prime Minister,
10 Downing Street,
London SW1A 2AA

10th August 2017

Dear Prime Minister,

Grenfell Tower Inquiry – Terms of Reference

Under section 5 of the Inquiries Act 2005 (the Act) you are responsible as the minister sponsoring the Grenfell Tower Inquiry for establishing its terms of reference and specifying its setting up date. You asked me to consult the victims, family members and other interested parties on the scope of the terms of reference with a view to providing you with my recommendations.

I have carried out the consultation you requested which took the form of meetings with local residents and other interested parties as well as an invitation to respond to a consultation document posted on the Inquiry's web site. Over 550 written responses were received, all of which have been acknowledged and carefully considered. A brief summary of those responses is enclosed. In the light of them I recommend that you set Terms of Reference for the Inquiry in accordance with the enclosed draft, which cover, among other things, not only the fire itself, but matters such as the history of the building, its most recent refurbishment, the state of building and fire regulations, and aspects of the relationship between the residents of the tower and the local authority, including in the days immediately following the fire. I also recommend that a setting up date be specified as soon as possible so that the Inquiry can begin its work. If it can do so promptly, it should be possible for me to hold a preliminary hearing in mid-September. I hope to be able to provide you with an initial report dealing with the cause of the fire and the means by which it spread to the whole building by Easter next year, although the precise timing may depend on the how long it takes for the forensic fire investigation to be completed.

I have also been giving some thought to the desirability of appointing assessors under section 11 of the Act to provide me with assistance. If you accept my recommendations on the Terms of Reference, I think it likely that I shall wish to appoint a diverse group of people whose experience extends to the occupation and management of social housing and the administration of local government more

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generally, as well as to matters of a more technical scientific nature. At a later stage I may also wish to appoint others to assist on particular aspects of the investigation.

As a result of the consultation it has become clear that many of those who have been affected by the fire and some others feel strongly that the scope of the Inquiry should be very broad and should include an examination of social housing policy and all aspects of the relationship between the residents of the Lancaster West estate on the one hand and the local authority and the tenant management organisation on the other. Many also feel very strongly that it should examine whether the response of local and central government to the disaster was and continues to be appropriate or adequate and whether arrangements should have been in place for responding to a disaster of this magnitude.

I can well understand why local people consider that these are important questions which require urgent examination. I share their concerns, but on careful reflection I have come to the conclusion that the Inquiry you have asked me to conduct is not the best way of satisfying their wishes for two reasons:

(i) First, there is an obvious need for my Inquiry to complete its work as quickly as possible in order to identify defects in the design, construction (including refurbishment) and management of the building that may exist elsewhere and put at risk others who live and work in similar high-rise structures. To give the Inquiry Terms of Reference which would cover all the matters requested by local residents and others would inevitably add significantly to the length of time needed to complete its work.

(ii) Secondly, the inclusion of such broad questions within the scope of the Inquiry would raise questions of a social, economic and political nature which in my view are not suitable for a judge-led inquiry. They are questions which could more appropriately be examined by a different kind of process or body, one which could include persons who have experience of the provision and management of social housing, local government finances and disaster relief planning. It could operate in parallel with the Inquiry and would be welcomed by many.

I therefore recommend that the Inquiry's Terms of Reference should not extend to the broader questions to which I have referred. Nonetheless, the responses to the consultation have persuaded me that they should include the response of local and central government in the days immediately following the fire. The purpose of paragraphs (i)(a)-(h) of the enclosed draft is to identify the main focus of the Inquiry's work without limiting its ability to pursue any avenue of investigation which it considers appropriate.

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There is one other matter that I need to mention. It has become apparent that many former residents of Grenfell Tower and others who may have been in the building at the time are likely to be able to give valuable evidence of the circumstances surrounding the fire, if they can be persuaded to co-operate with the Inquiry. I have been told that there may be some who are reluctant to do so because of concerns about their long-term immigration status. I therefore urge the Government to take all necessary steps to dispel those fears and encourage as many people as possible to come forward to assist the Inquiry.

Yours sincerely,

Martin Moore-Bick

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Recommended Terms of Reference

The Inquiry's Terms of Reference are

- (i) to examine the circumstances surrounding the fire at Grenfell Tower on 14 June 2017, including
 - (a) the immediate cause or causes of the fire and the means by which it spread to the whole of the building;
 - (b) the design and construction of the building and the decisions relating to its modification, refurbishment and management;
 - (c) the scope and adequacy of building regulations, fire regulations and other legislation, guidance and industry practice relating to the design, construction, equipping and management of high-rise residential buildings;
 - (d) whether such regulations, legislation, guidance and industry practice were complied with in the case of Grenfell Tower and the fire safety measures adopted in relation to it;
 - (e) the arrangements made by the local authority or other responsible bodies for receiving and acting upon information either obtained from local residents or available from other sources (including information derived from fires in other buildings) relating to the risk of fire at Grenfell Tower, and the action taken in response to such information;
 - (f) the fire prevention and fire safety measures in place at Grenfell Tower on 14 June 2017;
 - (g) the response of the London Fire Brigade to the fire; and
 - (h) the response of central and local government in the days immediately following the fire;

and

- (ii) to report its findings to the Prime Minister as soon as possible and to make recommendations.

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Summary of Responses to the Consultation on Terms of Reference

The consultation exercise ran from 5th July to 4th August 2017. The Chairman invited written submissions and held three public consultation events, one for companies, organisations and civil society generally and two for former residents of Grenfell Tower and other local residents. Transcripts of all three events are available on the Inquiry's website.

The consultation received 554 written responses, all of which have been treated as private communications. Respondents included family members of those who died in the fire, former residents of the tower, other local residents, professional organisations, charities, businesses, trade unions, Members of Parliament and members of the public.

All submissions were considered in full and their contents have been analysed together with suggestions made at the public meetings. This document summarises the submissions that were made by a significant proportion of those who contributed to the consultation.

A majority of respondents said that the Inquiry should not be unduly constrained but should have as broad a remit as possible, in order to allow it to cover all possible causes of the fire and all relevant circumstances surrounding it. In addition, the following specific suggestions were made by those who responded in writing:

- Approximately 50% of respondents said the terms of reference should cover questions such as whether building regulations and related legislation and ministerial guidance were adequate, whether they had been complied with and whether those responsible for compliance understood their responsibilities. A number of pieces of legislation were identified, including building regulations both locally and nationally, the Construction Design and Management Regulations 2015, the Fire Safety Order 2005 and associated guidance, the Housing Act 2004 and product standards generally. Several responses said the Inquiry should consider changes in legislation, both why they had been made and, in some cases, why they had not been made. Several respondents suggested that the Inquiry should look at regulations relating to fire safety in other countries.
- Approximately 40% of respondents said the terms of reference should cover the aftermath of the fire and the response of public authorities. Specific suggestions included looking at communication with those affected, rehousing and the coordination of the relief effort. There was strong support for this at the public consultation meetings for local residents.
- Over 30% of respondents asked that the terms of reference should cover the design and construction of the building and the subsequent refurbishments, including the design process itself, the procurement of contractors and the qualifications and training of those making decisions. Most referred specifically to the installation of cladding and insulation, but several also referred to the installation of gas in the building. Many of

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those who contributed at the public consultation meetings spoke about the recent refurbishment exercise.

- Over 30% of respondents suggested that the terms of reference should cover the fire precautions for the building, including features such as escape routes and fire alarms, and also the advice given to residents and any evacuation plans in place. Several respondents said the Inquiry should look, in particular, at the arrangements for ensuring the safety of disabled or elderly people.
- Over 30% of respondents said the terms of reference should cover the role of the Council and the Tenant Management Organisation, including any decisions made about construction work to the tower, their roles in the maintenance and management of the building and its fire safety procedures, the training and competence of staff and the emergency planning in place. There was very strong support for these themes at the public consultation meetings for local residents.
- Over 30% of respondents said the Inquiry should cover how the Council and the Tenant Management Organisation dealt with complaints, concerns and suggestions of residents, including questions of discrimination.
- Approximately 30% of respondents said the terms of reference should cover the response of the Fire Service and Police to the fire and their preparedness, including the equipment available, resourcing, and planning and whether the fire service had sufficient access to the building.
- Approximately 25% of respondents said the Inquiry should extend to the materials used in the building, the testing of them, and how they behaved in conjunction with each other.
- Approximately 20% of respondents said the Inquiry should consider the management of the building, including the maintenance of fire safety systems, inspections, including inspections of electrical equipment, and the conduct of fire risk assessments.
- Over 20% of respondents suggested that the Inquiry should cover the role of central government and government policies, in particular in relation to deregulation.
- Over 20% of respondents said that the Inquiry should cover the advice given to residents during the fire, and in particular the ‘stay put’ principle.
- Approximately 18% of respondents said the terms of reference should include housing policy, both nationally and locally and approximately 10% said that it should cover wider social policy, including racial and ethnic discrimination in the provision of services.
- About 12% suggested that the terms of reference should cover the role of regulators or expert bodies, both locally and nationally, including those responsible for building control.

Most of those who responded recognised that it was desirable to make recommendations as soon as possible to improve the safety of others living in high-rise

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buildings. Apart from that, there was no consistent view about what should be the subject of an initial report and what should be left to a final report.