

GRENFELL TOWER INQUIRY

MODULE 4 OPENING WRITTEN STATEMENT ON BEHALF OF BSR REPRESENTED BY BHATT MURPHY, BINDMANS, HICKMAN & ROSE AND HODGE JONES & ALLEN SOLICITORS

I.	INTRODUCTION	[2]
[A]	Aftermath	
[B]	Overview	
II.	DISASTER MANAGEMENT	[3]
[A]	Administrative and Legal Framework	
[B]	Regional Administration	
[C]	Central Government	
[D]	Humanitarian Response and Recovery	
[E]	System Failure	
III.	LOCAL GOVERNMENT	[13]
[A]	Disconnection	
[B]	Denial	
[C]	Incompetence	
IV.	WIDER GOVERNMENT	[25]
[A]	Central Government	
[B]	London Resilience	
V.	COMMUNITY	[34]
[A]	Experience	
[B]	Response	
VI.	CONCLUSION	[42]

I: INTRODUCTION

[A.] AFTERMATH

1.1. The aftermath of the Grenfell Tower fire was a humanitarian crisis, but it was also a political one. The crisis was *humanitarian* because the basic features of human existence were in jeopardy. This was a disaster inside a community, where those affected mostly could not leave, or did not want to, even though their homes, possessions, and privacy were destroyed, huge numbers of their friends and family were dead, and the smoke and debris was still around them. The crisis was *political* because this disaster was undeniably human-made and its victims remained under the governance of those, in part, who had made it. At the foot of the burning Tower many BSR knew, or would soon know, that their immediate fate lay in the hands of the two layers of government most politically implicated in the cause of the disaster: RBKC and the Department for Communities and Local Government (DCLG). Lancaster West Estate was a ground zero for our clients at 05:00 in the morning on 14 June 2017. In a *human* sense they had bare life, with all else lost literally or experienced as such. In a *political* sense the social contract with government, which had already frayed, was broken, because a state that not only fails to protect its people, but undermines their safety is not worthy of their consent. The Inquiry is about to look – like no UK Public Inquiry before it – at what happened *next*.

[B.] OVERVIEW

1.2. Both Central and Local Government have publicly accepted that the state failed in the aftermath of the fire. Five features of that failure are essential to understanding events. (1) The UK does not have a disaster management system but relies on local government arrangements to protect welfare that were bound to fail in response to an emergency of this scale. (2) Local Government in North Kensington collapsed in exceptional fashion not just logistically, but in terms of moral authority for reasons foreshadowed by the cause of the fire. (3) Regional and Central Government did not, and had no efficient mechanism to effectively intervene, when they should have. (4) In the humanitarian and political vacuum, a community network on the ground made up of BSR, societal supporters and emerging state allies, bridged the gap to co-produce recovery. (5) However, the burden placed on BSR did them damage: it prolonged their suffering and for too many of them the aftermath of the fire continues to this day. It remains to be seen whether the experience could have a positive legacy and whether the various factors that contributed to the disaster, and prolonged its aftermath, are amenable to change. On that, recovery is a work in progress.

II: DISASTER MANAGEMENT

[A.] ADMINISTRATIVE AND LEGAL FRAMEWORK

- 2.1. DEFINITIONS: In the UK there is no statutory or administrative concept of a ‘disaster’: only an ‘emergency’, which is defined in both Parts I and II of the Civil Contingencies Act 2004 ("CCA") as “*an event or situation which threatens serious damage to human welfare*”.¹ Concern for “*human welfare*” under the CCA relates to the essential needs of human existence, referring to loss of life, illness and injury, homelessness, damage to property, and disruption of basic amenities such as money supply, food, water, energy and fuel.² In the absence of a legal definition of a disaster, its event can be recognised by the actual or threatened *scale* of that kind of damage to human welfare and the individual and collective implications for humanitarian recovery that such scale creates: i.e. ‘disaster’ is a form of catastrophic emergency. The benefit of the CCA concept of emergency is that it is inclusive and flexible. Its downside is that it lacks triggers for upscaling state intervention when threat to human welfare in a limited geographical ‘place’ reaches the crisis levels that arose locally at Grenfell Tower. Other catastrophic events are followed by the dispersal of survivors and bereaved back to their disparate homes and communities. Here, the fire and its aftermath combined.
- 2.2. SCOPE: Disaster response is determined by geography and two quite different models of power. Part I of the CCA is concerned with an emergency that occurs in a “*place*” in the UK, which is then governed by “*Local arrangements for Civil Protection*”.³ Part II, which brings into being ‘*Emergency Powers*’ for Central Government to intervene, including through the power of Secretaries of State to make law by way of Orders in Council and to appoint Regional Emergency Coordinators,⁴ is only triggered by an emergency occurring in “*a Part or a region*”, with “*Part*” referring to the four devolved parts of the UK⁵ and “*region(s)*” to administrative “*regions*”⁶ of which London as a whole is one. These differences mattered after the Grenfell Tower fire, because a catastrophic emergency overwhelmed a single ‘place’, with Central Government and Regional bodies having limited means to intervene, but no duty to do so.

¹ CCA 2004 Part I s. 1(1)(a) and Part II s. 19(1)(a): the Act is copied at {CAB00004616}

² CCA 2004 Part I s. 1(2) and Part II s. 19(2)

³ CCA 2004 s. 1

⁴ CCA 2004 ss. 20-24

⁵ CCA 2004 s. 31(2)(a)

⁶ CCA 2004 s. 31(2)(b): referring to the Regional Development Agencies Act 1988. The Regulation made under the CCA (§2.4 BELOW) make arrangements for a “pan-London emergency” (Reg. 55).

2.3. DUTY HOLDERS: Part I of the CCA identifies duty holders as “responders”. ‘Category 1 responders’⁷ form the front-line of local emergency services (i.e. fire, police, ambulance and hospital⁸) together with the Local Authority⁹ and the Greater London Authority.¹⁰ The CCA additionally identifies ‘Category 2 responders’ (such as utility or transport companies), but their less onerous duties are limited to assisting the resumption of their subject matter services.¹¹ Other than maintaining the National Health Service and in response to maritime and coastal incidents, Central Government departments are not scheduled responders under the Act.¹² When the phase of an emergency moves from the primary response to initial acute stage recovery, the lead remaining duty holder will generally be the Local Authority. Where a disaster remains place-specific, as it was at the Grenfell Tower fire, the structure of the CCA therefore gambles the humanitarian fate of recovery on how effective the Local Authority will be in terms of its planning, capability and response.

2.4. RESPONSIBILITIES: The principal duty under the CCA for Category 1 responders is to prepare. This is an obligation to assess, plan and advise, including to warn and inform. The Act identifies civil protection functions, which are (i) “*preventing the emergency*”, (ii) “*reducing, controlling, or mitigating its effect*”, and (iii) “*taking other action in connection with it*”.¹³ The Secretary of State is empowered to issue regulations on the scope of the functions, which are contained in the Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005 (‘CCR 2005’), which must be complied with.¹⁴ The Secretary of State may also issue Guidance, which must be had regard to in performance of the duty but do not bind responders in the same fashion as the regulations.¹⁵ The CCA contains no express duties in relation to immediate humanitarian recovery. The framework and standards for disaster aftermath are therefore dependent on non-statutory and non-binding guidance.¹⁶

⁷ CCA 2004 Schedule I, Part I

⁸ CCA 2004 Paragraphs 3 to 9 of Schedule 1

⁹ CCA 2004 Paragraph 1(c) of Schedule 1: in this case the London borough council, which was RBKC

¹⁰ CCA 2004 Paragraph 1A of Schedule 1

¹¹ CCA 2004 Schedule 1, Part III

¹² CCA Paragraphs 9 and 12 of Schedule I

¹³ CCA 2004 s. 2(1)-2(3); and esp. s. 2(1)(d) and 2(1)(f)

¹⁴ CCA 2004 ss. 2(3), 2(5), 3(b) and s. 17: CCR 2012 are copied at {CAB00007003}

¹⁵ CCA 2004 s. 3(3)(b). For the GTI list of the key Government Guidance documents see {INQ00015100/1-4}: especially *Regulations and non-statutory arrangements* (2005) (‘Emergency Preparedness’)

¹⁶ PART II SECTION C §2.11 BELOW

2.5. COLLABORATION: The regulations and the guidance mandate statutory responders to collaborate in Local Resilience Forums ('LRF').¹⁷ Their functions include establishing joint protocols for co-responding,¹⁸ designating lead responder roles for specific civil protection functions,¹⁹ and registering community risk.²⁰ This localised system of collaboration is a forum not an operational body,²¹ without membership of the voluntary sector or the public,²² and with no power to act; nor (in London) can the Mayor overrule their co-participants, or otherwise intervene in their social work and health services.²³ In crisis this horizontal and consensus based system (also referred to as joint-operability) again depends on each responder to pull its weight and readily integrate with other responders.

[B.] REGIONAL ADMINISTRATION

2.6. LONDON RESILIENCE: London has developed the London Resilience Partnership ('LRP')²⁴ which works in conjunction with London Resilience Forum (LRF), its sub-regional and borough forums,²⁵ and a secretariat known as the London Resilience Group (LRG),²⁶ administered in 2017 by the London Fire and Emergency Planning Authority (LFEPA) (and now the London Fire Commissioner).²⁷ London Local Authorities are collectively represented by the Local Authorities Panel ('LAP'), although each borough participates in the LRF and the LRP.²⁸ Despite best efforts, this is a complicated structure to comprehend (at least to the non-expert), and certainly not unitary.

2.7. EMERGENCY RESPONSE: Joint endorsed protocols provide for a Strategic Co-ordinating Group ('SCG') to manage overall operational control during the course of an emergency.²⁹

¹⁷ CCR 2005 Reg. 4

¹⁸ CCR 2005 Regs 7-8

¹⁹ CCR 2005 Regs 9-10

²⁰ CCR 2005 Reg. 15

²¹ Bellamy {MOL00000025/5 §20}

²² CCR 2005 Reg. 23 requires regard to be had to the activities of voluntary organisation, but no duty to consult or collaborate

²³ Khan {MOL00000189/22 §91}: see Greater London Authority Act 1999 which prohibits the provision of health or social services that is provided by a London borough (s. 31(3)), but does not prevent "co-operating with, or facilitating or co-ordinating the activities" of the borough as regards those services (s. 31(5))

²⁴ Barradell {GOL00001706/2 §§8-25} Bellamy {MOL00000025/3 §§11-29} and for the membership of the Partnership, see {LFB00119205/10-11}

²⁵ {LFB00119205/7-8}: see further CCR 2005 Schedule, Regulation 3(1) makes provision for sub-regional LRF of which RBKC is part of the Central LRF area with Lambeth, Southwark, Tower Hamlets and Westminster

²⁶ {LFB00119205/9}

²⁷ Bellamy {MOL00000025/7 §§26-28}

²⁸ {GOL00000244/3 §12}

²⁹ LRF Guidance {LFB00061161/46-49 §§93-105}, Strategic Co-ordination Protocol {GOL00001153/11 §1.3}: also LESLP Major Incident Manual ('LESLP Manual') {LFB00061175/23 §7.2}.

For the humanitarian response the relevant Local Authority is designated as the lead responder (§2.12 BELOW).³⁰ Where events require, the mechanism of London Local Authority Gold (LLAG) enables one borough Chief Executive to act on behalf of all London Local Authorities.³¹ Crucial to the effectiveness of the LLAG is that there is no recognised threshold to trigger its activation, with the Gold Operating Procedure merely stating that “*LLAG arrangements are activated when: LLAG is contacted in relation to an emergency which has occurred*”.³² There is also no power for LLAG, or as above the Mayor of London/GLA, nor any other member of the LRP to intervene to take over Gold functions from a struggling Local Authority during the midst of an emergency. Neither is there a mandatory means for LLAG or the LRP to require a Local Authority to pre-emptively improve its CCA planning, preparation and resources before an emergency occurs.

[C.] CENTRAL GOVERNMENT

- 2.8. **POWERS:** Ministers have the power to intervene in local emergency planning and conduct by making legally enforceable orders for specific performance of one of the civil protection functions identified in paragraph 2.4 above, subject to affirmative resolution by Parliament.³³ Orders can require collaboration with a specified person or body or confer a power on a Minister or some third party that would normally be exercised by a responder.³⁴ They can also require or permit the disclosure of information, which would otherwise not be available.³⁵ In cases of urgency, the Minister can issue temporary written directions to responders, without any further formality, that remain binding for 21 days.³⁶
- 2.9. **MACHINERY:** There is a power of oversight by Central Government with responders accountable for their local planning.³⁷ However (contrary to the advice of the Joint Parliamentary Committee on the Draft of the CCA³⁸) there is no inspectorate system which externally assesses plans or develops nationally applicable standards so that weakness can

³⁰ Humanitarian Assistance Framework {LFB00061172/11 §4.5, and p. 41}, LLAG Operating Procedure {LFB00061186/17 §1.7}, LESLP Manual {LFB00061175/11 §3.11}

³¹ Emergency Preparedness {LFB00061171/5 §9.6}, LLAG Resolution {GOL00001725} and addendum {GOL00001717}

³² London Local Authority Gold Co-ordination Centre Operating Procedure {LFB00061186/5} and {9-10}

³³ CCA 2004 s. 5(1) and 5(3) and s. 17(2)

³⁴ CCA 2005 s. 5(4)

³⁵ CCA 2004 s. 6: where urgent section 7 enables a Minister to direct in writing the performance of matters that could be the subject of order under section 5 and 6 if time were available

³⁶ CCA 2004 s. 7

³⁷ CCA 2004 s. 9(1)

³⁸ Joint Committee on the Draft Civil Contingencies Bill 2002-03 HC1074, HL 184 §§17-19 and 245-253

be identified prior to an emergency.³⁹ Central Government has an historic division in which the Cabinet Contingency Secretariat ('CCS') leads on emergency policy, planning and expertise as a whole, while other departments hold responsibility for policy and planning in areas where they are designated 'lead'.⁴⁰ Since 2011, the DCLG Resilience Emergency Division ('DCLG RED') have responsibility for liaison between the national and local resilience levels.⁴¹

- 2.10. DCLG: Although Guidance initially contemplated that DCLG would be brought into the LLRF via a dedicated London Government Liaison Team,⁴² by 2017 there were two advisers from DCLG RED, with Gill McManus (who was on duty on 14 June) additionally responsible for Surrey and Sussex, and also acting up at the time as Joint Head of Resilience for the South East.⁴³ Staff numbers within RED were below the assessed need.⁴⁴ Resilience advisers did not have any responsibility to assess local resilience capability in the geographical areas for which they were responsible.⁴⁵ During the aftermath of an emergency, they were to take on the function of Government Liaison Officers ('GLOs'), but prior to Grenfell GLOs had no responsibility to assess whether local response was overwhelmed;⁴⁶ nor were junior officers who attended given guidance or training as to how to do so;⁴⁷ and the lead adviser did not realise until 17 June that RBKC resisted LLAG support for the first two days of the response.⁴⁸ While Government had the power to intervene under Part I CCA, its organisational capacity to do so in timely and informed fashion – especially via DCLG as the lead department was limited.⁴⁹

³⁹ Cf. Lord Toby Harris, *An Independent Review of London's Preparedness to Respond to a Major Terrorist Incident* (October 2016) {CAB00000092/35-36 §§9.8-9.9 and p. 55 rec. 69}; Sean Ruth, *An Assurance for London and Local Government 'Providing Individual and Collective Assurance'* (February 2018) {GOL00000138/15-17 §§4.1-4.10}

⁴⁰ Cabinet Office Guidance: *The Lead Government Department and its role* {HOM00014021/7, 11} Slideshow Presentation regarding the Civil Contingencies Act {HOM00020341/13} Emergency Preparedness. Guidance on Part 1 of the Civil Contingencies Act 2004 {HOM00022348/44}

⁴¹ Office of Government Commerce document, "Resilience and Emergencies Division" {HOM00021774/5}

⁴² Emergency Preparedness {LFB00061171/8 §9.14}

⁴³ McManus {CLG10009725/2-3 §§7-8, 11}; she could not work on 15th June due to time off in lieu {p. 12 §45}

⁴⁴ Resource mapping: RED {HOM00029881 row 30 item 23} {row 31 item 24}

⁴⁵ McManus {CLG10009725/3 §9-10}

⁴⁶ {CLG00030813/6} {CLG00005657/40}

⁴⁷ Welch {CLG00030737/5 §22-23}

⁴⁸ McManus {CLG10009725/11 §39} {CLG00030739/8 §§30, §34}

⁴⁹ Tallatine {CAB00014827}

[D.] HUMANITARIAN RESPONSE

- 2.11. GUIDANCE ONLY: As one of its core civil protection functions, the CCA requires responder planning to “mitigate[e] the effect of an emergency” and duties to “warn” and inform the public,⁵⁰ but the Act and its regulations contain no express duties in relation to recovery from the acute initial stages of the emergency;⁵¹ indeed regardless of scale the UK had no recovery law. The Cabinet Office defines recovery as “the process of rebuilding, restoring and rehabilitating the community following an emergency”, which “although distinct from the response phase... should be an integral part of the response from the very beginning, as actions taken during the response phase can influence the longer-term outcomes for a community”.⁵² The framework and standards in that respect are dependent on non-statutory guidance and agreements made at central and regional state levels and sit alongside the CCA and its regulations, but are not directly governed by them. A post-Grenfell review found that ‘recovery’ was neglected nationally as the “Cinderella of emergency planning”.⁵³ The BSR would pay the price for this neglect in London and RBKC.
- 2.12. ESSENTIAL SERVICES: The Guidance documents recognise essential humanitarian services that are of critical importance to the immediate physical, emotional and psychological needs of an affected community. In particular, it is expected that the Local Authority will lead to provide or otherwise coordinate: (1) immediate shelter for survivors not requiring medical attention through initial reception and rest centres, as well as places for family and friends to reunite and establish the status of missing persons;⁵⁴ (2) delivery of a Humanitarian Assistance Centre (‘HAC’) as a focal “one-stop-shop” for BSR support;⁵⁵ (3) alternative accommodation for displaced persons, rehousing of those made homeless, in both the short and long term, (4) practical advice and guidance, for example with legal and financial issues, and referral to appropriate social care, health, housing, child and other

⁵⁰ CCA 2004 ss. 2(1)(d)(ii), 2(1)(f) (ii) and 2(1)(g)

⁵¹ *Emergency Response and Recovery: Non statutory guidance accompanying the Civil Contingencies Act 2004* (October 2013) (‘Emergency Response and Recovery’) {CAB00004519/8 §1.1.2}, *Expectations and Indicators of Good Practice Set for Category 1 and 2 Responders* {CAB00004629/47 §19}

⁵² *Emergency Response and Recovery* {CAB00004519/10 §1.3.4}

⁵³ Ruth Report {GOL00000138/14 §§3.12-3.13}

⁵⁴ *Emergency Response and Recovery* {CAB00004519/76 §4.4.51} and {p. 119-121 §7.3} {pp 122-123 §7.4}, *Evacuation and Shelter Guidance* (2006) {CAB00004627/31-38 Ch. 5}, *Human Aspects in Emergency Management* {CAB00004639/25-26 and 34}, *London Local Authorities Concept of Operations for Emergency Response and Recovery* (November 2018) (‘London CONOPS’) {INQ00015091/16-17 §§62-64}, *LESLP Manual* {LFB00061175/34 §§9.6-9.8}; see also British Red Cross (‘BRC’) training on rest centres, delivered to RBKC in 2015 Spragg {BRC00000081/2 §8} {BRC00000083}

⁵⁵ *Emergency Response and Recovery* {CAB00004519/126-128 §7.6.3-7.6.7}, *Humanitarian Assistance in Emergencies* {HOM00008474/20-28 Ch. 5}, *Human Aspects in Emergency Management* {CAB00004639/26-27}, *LESLP Manual* {LFB00061175/36 §9.10}

services;⁵⁶ (5) identification and support of the vulnerable;⁵⁷ (6) integration with local NHS and Social Care partners for longer term (psychological, physical and social) wellbeing and care;⁵⁸ (7) coordination of the community and voluntary services,⁵⁹ and (8) registration of a “*master list of affected people that services may need to be provided to*”.⁶⁰

- 2.13. MASS CASUALTY AND FATALITY: Where there is mass casualty and fatality, defined as “*any incident where the number of fatalities is greater than the normal local mortuary arrangements can manage*”,⁶¹ essential services additionally include: (1) the prompt creation of a Friends and Family Reception Centre to act as emotional and logistical “*focal point*”,⁶² (2) a Police Casualty Bureau as a means of recording, reporting, and identification of the missing and deceased;⁶³ (3) provision of accurate, consistent and non-contradictory information to families, including updating;⁶⁴ (4) help-lines with informed operators;⁶⁵ (5) effective multi-agency sharing of information (subject to appropriate data protection⁶⁶); (6) ongoing Family Liaison integrating police, Coroner and Local Authority and significant other parties;⁶⁷ (7) a single point system to resolve Disaster Victim Identification;⁶⁸ and (8) multi-agency body recovery, identification and mortuary provision as part of the Mass Fatality Co-ordination Group (MFCG), chaired by the

⁵⁶ Humanitarian Assistance in Emergencies {HOM00008474/11 §1.14}, Human Aspects in Emergency Management {CAB00004639/27-28}, and the London Resilience Humanitarian Assistance Framework {LFB00061172/41 §11}

⁵⁷ Human Aspects in Emergency Management {CAB00004639/8}, Emergency Preparedness {CAB00004623/39-40 Ch. 5 §§5.98-5.103} {CAB00004543/35-36 Ch. 7 §§7.73-7.77}, London CONOPS {INQ00015091/18 §§71-72}, LFP Identification of the Vulnerable, A Guidance Note for Local Implementation {LFB00061174}: esp. {pp 5-6 §§1.5-1.7, pp 8-12 §§2.1-2.8}

⁵⁸ Human Aspects in Emergency Management {CAB00004639/31-32 and 58-59}: see especially Health and Social Care Act 2012 ss46-47 which extends to humanitarian assistance planning and the provision of mental health support following a civil contingency and the Care Act 2014 ss-1-2 that mandates health providers to protect wellbeing pre-emptively

⁵⁹ Emergency Preparedness Ch. 14 {CAB00004597/6 §14.12 and /12-13 §§14.21-14.23}, CONOPS {INQ00015091/18 §73} London Humanitarian Assistance Framework {LFB00061172/34 §9.50}

⁶⁰ Evacuation and Shelter Guidance {CAB00004627/40 §6.1}, London Resilience Humanitarian Assistance Framework {LFB00061172/16 §5.6}

⁶¹ Home Office/CSS, Guidance on dealing with fatalities in emergencies {CLG10000363/5 §16}, London Mass Fatality Plan {CAB00004521/5 §1.4}

⁶² Emergency Response and Recovery {CAB00004519/122-123 §§7.4.3-7.4.4}, Human Aspects in Emergency Management {CAB00000036/26}, Guidance on Dealing with Fatalities in Emergencies (Home Office/Cabinet Office) {CLG10000363/51-53 §4.14}

⁶³ Emergency Response and Recovery {CAB00004519/124 §7.5.7}, Human Aspects in Emergency Management {CAB00000036/25}: see also Cabinet Office document ‘Dealing with Disaster’ Revised Third Edition {HOM00042013/42 §§4.15-4.17}

⁶⁴ Op Cit.

⁶⁵ Emergency Preparedness {HOM00022348/105-106 §§7.71-7.74}, Emergency Response and Recovery {CAB00004519/125}

⁶⁶ Human Aspects in Emergency Management {CAB00004639/9-10}

⁶⁷ London Humanitarian Assistance Framework {LFB00061172/32 §§9.30-9.33 and p. 43}, National Police Improvement Agency (NPIA) Family Liaison Guidance 2008 {MET00077792/53 §7.2.3}

⁶⁸ Family Liaison Guidance {MET00077792/51-52}

Coroner.⁶⁹ The provision of these essential services is not limited to the first seven days; but any delay or failure of their provision in the initial period may significantly exacerbate the trauma of victims of a mass fatality event.

[E.] SYSTEM-FAILURE

- 2.14. CIVIL CONTINGENCY IS NOT DISASTER-MANAGEMENT: Where a- welfare-threatening event and its catastrophic aftermath occur in the same geographical location, a system without rapid effective intervention presents a grave risk that local response will be overcome. Put another way, systemic reliance on local government arrangements to protect welfare in circumstances of full-blown humanitarian crisis were bound to fail in response to an emergency of this scale. Most problematically, the present system wagers too much on local competency and preparedness, especially as regards the essential service of humanitarian recovery that is neither dealt with in CCA nor the regulations, and solely contained in the non-binding guidance documents. Before the Grenfell Tower fire there were emerging views that London Resilience bureaucracy “*verges on the convoluted*” with “*significant duplication of services and resources*” and “*limited oversight*”.⁷⁰ Despite some Local Authorities having full teams of specialist resilience officers, there were others “*taking a de minimis approach*” therefore requiring a more robust inspection and monitoring function.⁷¹ Cumulatively the system was anything but disaster resilient: (1) it lacked independent national inspection and effective quality assurance, and (2) Central Government was unable to mitigate these matters either pre-emptively or in real time crisis, because it lacked sufficient resources and machinery to do so. Finally (3) RBKC was one of those de minimis boroughs [SEE PART III BELOW]: it was wholly deficient because preparation and competency suffered from lack of training, qualification, exercise and resources.
- 2.15. SUBSIDIARITY IS NOT A DISASTER DOCTRINE: Where a disaster event and aftermath combine in one place the principle of ‘subsidiarity’ that otherwise guides the UK emergency response, becomes problematic. The Guidance defines it as *the principle by which decisions should be taken at the lowest appropriate level, with coordination at the*

⁶⁹ London Mass Fatality Plan {CAB00004521/17 §§3.12-3.17}, Guidance on dealing with fatalities in emergencies {CLG10000363/20-21 §§2.24-2.27} and {Ch. 3 pp 27-35 §§3.1-3.50}; for Local Authority role see {CLG10000363/12-14 §§1.32-1.42}

⁷⁰ Norwell Review (June 2015) summarised at {RBK00004181/23}

⁷¹ Harris Review {CAB00000092/35 §9.8-9.9}

highest necessary level".⁷² Although subsidiarity has no explicit statutory foundation, it functions as a core doctrine in this field reflecting a "*bottom up*" approach that local agencies are the "*building blocks of response*"⁷³ who will purportedly understand the risks and needs of their own community best and be most effective in engaging with its humanitarian requirements when the acute need arises. That was the case even though by 2015, CCS had realised that without significant national reform, such as certifiable crisis response standards, there was a continuing decline in local resilience capability such that the resilience model – including its expectation about the wisdom of bottom up response – "*may not be fit for purpose*" by 2020.⁷⁴ The failure of the subsidiarity doctrine at Grenfell was so apparent that by the Queen's Speech on 21 June 2017 the Government committed to developing a new strategy for resilience "*which could include*" a national Civil Disaster Reaction Taskforce to ensure immediate support from Central Government. Five years on from Grenfell, there remains no such national taskforce.⁷⁵

- 2.16. COMMUNITY ENGAGEMENT: It was on that basis that the fate of the BSR in the aftermath of the Grenfell Tower fire lay so considerably in the hands of RBKC. The key guidance presupposes the Local Authority dynamically combining with its immediate community institutions and citizens.⁷⁶ A 2018 London wide peer review underscored the "*importance*" for Council leaders and officers, "*of strong, effective and trusted relationships between councils and the communities they serve*" as something that would make or break resilience arrangements at all stages.⁷⁷ Best practice in this field continues to look to Anne Eyre's seminal 2006 document that was recommended by external council specialists on 20 June 2017 as the key source to follow in Lancaster West.⁷⁸ One of Eyre's main points is that responders too often base their efforts on myths about human behaviour and reactions during and after disasters. Her list of myths supported by her long involvement in the

⁷² Hammond {CAB00014764/3 §11} Emergency Response and Recovery {CAB00004519/14}

⁷³ Emergency Response and Recovery {CAB00004519/17}

⁷⁴ CCS Options Paper {HOM00030661/1 §§1-3, 26-27}; and see quotation in earlier draft {HOM00042998/1§2(c) and p 4}

⁷⁵ {CAB00014746} https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/620838/Queens_speech_2017_background_notes.pdf (p 6)

⁷⁶ Emergency Response and Recovery {CAB00004519/85}, Cabinet Office, The London Role of Local Resilience Forums – A reference document {LFB00061161/12}, CONOPS {INQ00015091/18}

⁷⁷ Tom Riordan and Mary Ney, London Local Government's Collective Resilience Arrangements, Independent Peer Challenge – Report for London Councils Leaders' Committee (February 2018) ('Riordan & May Report') {GOL00000146/13 §19(e) p 16 and Rec. 4}

⁷⁸ Anne Eyre, Literature and Best Practice Review and Assessment: Identifying People's Needs in Major Emergencies in Humanitarian Response (DCMS 2006) {GOL00000913} ('Best Practice Review and Assessment'): see email 20.06.17 {RBK00014796} commending the document "*as the underlying principles and concepts remain very sound*"

Disaster Action network⁷⁹ and considerable research,⁸⁰ includes that:⁸¹ (1) victims will panic, rather than be guided by clear information to enable informed choice; (2) victims are likely to be helpless rather than potential co-responders;⁸² and (3) communities will descend into chaos,⁸³ rather than provide the indispensable condition for recovery.⁸⁴ For these reasons, the involvement of communities in emergency planning and response is essential. However, the Inquiry already knows from Module 3 that as of June 2017 RBKC and its TMO were fundamentally disengaged from the Lancaster West Estate, and particularly the residents of Grenfell Tower (see PART III [A] BELOW).

2.17. FAILURE OF STATE: The (then) Prime Minister told Parliament on 22 June 2017 that “*the support on the ground in the initial hours was not good enough*” adding that this was a “*second failure*” which compounded the disaster.⁸⁵ The causes of that failure are set to be looked at in this Module, but they begin in appreciating that disaster can overcome the present UK emergency system. Under Part I of the CCA, Central Government remains too much a ‘ghost in the machine’, whereas under Part II it takes over.⁸⁶ When disaster occurs – especially where the event and the aftermath continue in the same place - this difference between the two models is too great. Part I, by virtue of its incapacity to scale up when the scale of damage necessitates, overly exposes the entire framework. Part II, for all its authoritarian centralising political implications, has never been used although the Covid pandemic may change attitudes both for and against its future use.

2.18. CONSEQUENCES: The human welfare of the BSR on the first morning of the aftermath was dire. 120 homes in the Tower were destroyed, several hundred people were homeless,

⁷⁹ Anne Eyre and Pam Dix, *Collective Conviction - The Story of Disaster Action* (LUP, 2014): see also {CLG10000363/16 §§1.58-1.60}

⁸⁰ John Drury et al, *Facilitating Collective Psychosocial Resilience in the Public in Emergencies Based on the Social Identity Approach*, (2019) *Frontiers in Public Health*, Article 141

⁸¹ Eyre, Best Practice Review and Assessment {GOL00000913/20-25}

⁸² The Kerslake Report – An independent review into the preparedness for, and emergency response to, the Manchester Arena attack on 22 May 2017 (Kerslake Report), citing Dr Chris Cocking (at §§5.104-105) as to the “*spontaneous resilience of crowds in emergencies*” and the ability of people “*to play a leadership role and coordinate mutual aid*” and for the community to be seen as a “*force multiplier*”. (https://www.kerslakearenaareview.co.uk/media/1022/kerslake_arena_review_printed_final.pdf)

⁸³ See also Binu Jacob et al, *Disaster Mythology and Fact: Hurricane Katrina and Social Attachment*, 123 *Public Health Reports* (2008) 555-565: esp. pp 558-559 on Myth #4 ‘*Do disasters trigger social breakdown*’

⁸⁴ See also BRC, ‘Harnessing the Power of Kindness for Communities in Crisis: Towards a more effective response to emergencies in the UK – Learnings from 2017’ {BRC00000066} (BRC ‘Learnings from 2017’): see esp. {10-11} on Principle 3 “*People should be supported in their communities and local communities should be empowered to respond*”

⁸⁵ {CAB00006298/1-2}: see also RBKC accepted its own failure {RBK00052143/2 §3.4}

⁸⁶ Clive Walker and James Broderick, *The Civil Contingencies Act 2004, Risk, Resilience and the Law of the United Kingdom* (Oxford, 2006) §§9.33-9.34 pp 295-297

further hundreds from the Walkways were displaced, fatalities were likely to be worse than the Kings Cross fire, especially if initial emergency responders had considered the numbers who remained in need of rescue until 03:45 and then largely stopped calling. The list completed as “*current at 07:20*” in the LFB Control Room indicated that around 100 people could be dead.⁸⁷ The Inquiry’s study of the Fire and Rescue Services has already shown how societal fragility arises from organisations preparing only for perceived statistically common events. Local and Central Government had not prepared for this one. Humanitarian and political crises would follow. However, the mapping of the UK emergency system and its faith in local resilience shows that the current framework and standards are insufficient to achieve the response they are designed for. It was from that flawed foundation that the situation would then get worse.

III: LOCAL GOVERNMENT

[A.] DISCONNECTION

- 3.1. COLLAPSE: The logistical failure of RBKC in the aftermath is a core focus for the Inquiry in this Module. But, the evidence will not make sense without appreciating that it was not just local government’s *competence* which collapsed, but also what little remained of its *moral authority*. There was a fundamental pre-existing disconnection between the primary state responder and its disaster victim community. RBKC witnesses knew this from the very moment they became aware of the fire but remained in denial of the extent of the disconnect and briefed against opposition residents as if that was its cause, rather than its symptom. Consequently, witnesses describe a void or absence of government
- 3.2. COMMUNITY DISENGAGEMENT: Established disaster management theory regards it as indispensable for planners to understand local group psychology, and work with, not against, its norms, values and concerns.⁸⁸ That form of engagement was entirely beyond RBKC following the fire. Post fire investigations found this problem to be severe. The Independent Grenfell Tower Recovery Taskforce described the Council as “*distant from the community it served; old fashioned in its operational behaviours; limited in its understanding and commitment to collaborative interagency work; insular despite cross-borough arrangements; and with a significant deficit in understanding of modern public*

⁸⁷ {LFB00001965/1}

⁸⁸ Drury et al, ‘Facilitating Collective Psychosocial Resilience’ fn. 80 pp 11-12 above: see generally PART II [E] §2.16 ABOVE

service delivery".⁸⁹ The Bishop of Kensington's report after the fire called for a renewal of democracy as the Council and local government in general were often experienced as "*paternalistic and patronising*", with a lack of "*genuine listening and understanding*" and party politics an "*obstacle rather than help*".⁹⁰ The fire spotlighted problems in the local democracy long known to exist, but now in crisis.

3.3. UNDEVELOPED NETWORK: The lack of RBKC's understanding on this issue betrays its pre-fire culture and practices. In a smaller scale emergency, even if people were injured, the Council might have looked to the TMO as it did following the Adair Tower fire, for example, to manage its response, even though it was not a statutory CCA responder and there was no treatment of the issue in the Modular Management Agreement.⁹¹ However, in the Grenfell disaster the fiction that the TMO was a neighbourhood democracy simply fell away.⁹² The Council leader Nicholas Paget-Brown nevertheless assured Conservative councillors on the evening of 15th June that RBKC had long-standing community engagement with the various charities and faith groups helping Grenfell victims by virtue of the fact that it had financially supported or otherwise sponsored them as "*agents in normal times*". His concession was that "*co-ordinating them has proved challenging in these unique circumstances.*"⁹³ Aside from evidencing the distance and paternalism that Paget-Brown and colleagues would be criticised for, this view confuses corporate relationships based on grants with actual relationships and genuine community network.⁹⁴

⁸⁹ Independent Grenfell Recovery Task Force – The Taskforce Initial Report (October 2017) ('GRTF Report') {IWS00002092/4 §2}

⁹⁰ Rt Revd Dr Graham Tomlin, Bishop of Kensington, *The Social Legacy of Grenfell: An Agenda for Change* (The Diocese of London) 1 June 2019) {INQ00015088/5-7}

⁹¹ GTI Phase I Report Volume IV p. 709 §30.91: see further PART III [C] §3.16 BELOW

⁹² E.g. Brownlee (WCC) – Randall (DCLG) 20.06.17 {CLG00005723}

⁹³ Paget-Brown, speech to Emergency Planning Meeting 19.06.2017 {RBK00028007/2} 'note to colleagues' limited Conservative Members 15.06.17 {RBK00037694}: see also Paget-Brown {RBK00035001/30 §137}

⁹⁴ Adamson {BRC00000075/32-33 §§144-145} (for the BRC reflection on the issue). As to indifference to local organisations and lack of genuine community engagement prior to the fire, see Blanchflower {IWS00002072/8 §27}, Daffarn {IWS00002109/12 §35} and for the lack of engagement during the aftermath, see Simms {CFV00000005/17 §79, /20 §92}, Richards {CFV00000012/23 §153}, Adamson {BRC00000075/26-27 §120}, Spragg {BRC00000050/18-19 §78(b)}

RBKC let those community institutions fill the void⁹⁵ and sought credit and solace in the outsourcing.⁹⁶

- 3.4. CONSEQUENCES: The various CCA guidance, documents and checklists do not deal with this level of social disconnect.⁹⁷ As the Mayor of London's Chief of Staff later described it, "*pre-existing conditions in the community and the relationship between the community and its council can create a challenge that the theory of a response and recovery operation may not anticipate*".⁹⁸ Only a mechanism of independent auditing would have likely identified it to Central Government in advance of the fire, but the disconnection between the local state and its citizens should have been confronted by RBKC earlier in its response. Irrespective of outcome, their position was untenable. Instead, the leadership descended into denial and deflection.

[B.] DENIAL

- 3.5. DEFENSIVE: The Inquiry will need to make its decision as to why, but there is significant evidence that RBKC adopted an overly defensive position from the outset of the emergency. From the first London SCG meeting at 05:00 in the morning RBKC officers (Stuart Priestley and David Kerry) were either making or privy to a logged reference to "*a tweet by Gindell (sic) action group work on block, linking paper to fire*".⁹⁹ As subsequent SCG and RBKC Gold meetings that day made clear there was mass fatality and displacement, in a building "*owned by RBKC and managed by the TMO*", both Priestley and Kerry logged that their Chief Executive, and now RBKC Gold Commander, Nicholas Holgate, was advised of the mutual aid arrangements via LLAG¹⁰⁰ and neighbouring

⁹⁵ Blanchflower (Lancaster West Resident Association) {CFV00000045/3 §§13-14, §21, §28, §§40-41} See also email of Thea Baillie (Lancaster West Residents Association) 20.06.2017 {RBK00062664}, Richards (Clement James) {CFV00000012/12 §81, 23-24 §§154-155} Simms (Rugby Portobello) {CFV00000005/22 §108}, Simms GLA evidence {MOL00000003/9}, Sayed (Al-Manaar) {CFV00000043/4 §§16, 8 §§33-35}, Long (Notting Hill Methodist) {CFV00000010/6 §§31-33}, Skinner (St. Francis of Assisi) {CFV00000002/5 §§13, §§24-25, §§35-36}, see also Amy Plender, After Grenfell: the faith group's response (Muslim Aid) {INQ00015094/34-35}

⁹⁶ Paget-Brown {MET00072274/20-21} {RBK00035001/19-20 §§88 23-24 §§106-108} (maintaining the position with "*hindsight*") and Paget-Brown letter to Quirk 5.12.17 {RBK00028628/2}. See also Holgate draft statement {RBK00043005/13} on Council support for a number of voluntary sector bodies: "*As long as help is available it does not have always to be the Council itself if it has to facilitated others to provide help too*"

⁹⁷ PART II [E] §§2.15-2.16 ABOVE

⁹⁸ Bellamy {MOL00000017/37} at the GLA Oversight Committee – Response of London Resilience to the London Grenfell Tower Fire accepting in November 2017

⁹⁹ SCG Teleconference #1 05:00 14 June 2017 {MOL00000026/2 §3.16} Cf. Kerry Log makes no mention of the same tweet etc. {RBK00013296/6 §28}

¹⁰⁰ See Kerry {RBK00013296/10} referring to the LLAG advice given at a meeting with those people at 10:00 ("*This incident is bigger than one local authority can manage. Consideration should be given to asking for mutual aid*")

boroughs which Holgate declined because: “*That looks like we can’t cope*”.¹⁰¹ Increasingly over the next 36 hours it became clear to observers that there was a bunker mentality in the Council about accepting external support, despite it being offered,¹⁰² with apprehension felt in real time by Council officers,¹⁰³ the GLA,¹⁰⁴ the leader of tri-borough partner Westminster City Council,¹⁰⁵ the Red Cross,¹⁰⁶ and Central Government,¹⁰⁷ and with media reporting that indeed RBKC could not cope as early as the afternoon of 14 June.¹⁰⁸ Paget-Brown maintained that he was satisfied that the Council response was effective up until LLAG taking over.¹⁰⁹ Holgate and Paget-Brown painted themselves as political victims in the immediate aftermath¹¹⁰ and thereafter, especially via Andrew O’Hagan’s essay on Grenfell that appeared in the London Review of Books in June 2018.¹¹¹

- 3.6. BIAS: Neither RBKC itself, nor London Resilience or Government were sufficiently quick to confront the actual or apparent risks arising from the Council’s conflict of interest from the outset. Albeit with hindsight this is astonishing. RBKC was both the organisation charged with leading the response, whilst simultaneously being implicated in its cause.¹¹² At the very least (for reasons developed in Module 3) it knew it had shut down genuine resident consultation on contested features of the refurbishment and robustly defeated its critics – like the Grenfell Action Group – that accused it of compromising fire safety. However, from early on the declining construct of RBKC-TMO saw itself as undeserved suspect and victim. The RBKC Gold meeting at 11:00 on 14 June focussed in part on Black’s account that the refurbishment was signed off by building control with all due procedures complied with. While the fire was still burning and no remaining life still

¹⁰¹ Priestley {RBK00013318/1-2} {RBK00035672/6 §24} {RBK00058265/3-4 §5.2 (said in the presence of Robert Black, Laura Johnson and David Kerry)}

¹⁰² E.g. Farrar {CLG00030414/6 §26-27}, Dawes {CLG00030653/9 §23}, Javid {CLG10009728/2 §8} {CLG00008029}, Sharma {CLG10009731/5 §§16-17} {CLG00003055}, Gould {GOL00001606}, Adamson {BRC00000075/15 §§67-68} and Spragg {BRC00000050/19 §78(d)}

¹⁰³ Blackburn {RBK00035364/8 §37} {RBK00058170/16 §14}

¹⁰⁴ E.g. Khan {MOL00000189/19-21 §§81, 95}, Bellamy {GOL00000196/1-2}, Strain {GLA00000009/13-14 §56}

¹⁰⁵ Parker-Aiken-Dawes emails {CLG00008314/2-3} (“*Only took them two days to decide they can’t cope. We told them first thing on Wednesday that they wouldn’t be able to cope*”)

¹⁰⁶ McKinley {BRC00000079/15-16 §70}

¹⁰⁷ E.g. Gratton {CAB00014853/12 §37-38} {CAB00005339} {CLG00005219}, Richardson {CLG00030412/21-22 §77}, Hammond {CAB00002896/1}, Hurd {HOM00046080/5 §17} Javid {CLG10009728/14-15 §59}, Sharma {CLG10009731/8-9 §§26, 32-34}

¹⁰⁸ E.g. <https://www.theguardian.com/uk-news/2017/jun/14/grenfell-fire-location-reaction-anger>

¹⁰⁹ Paget-Brown {RBK00035001/19-20 §88}

¹¹⁰ Paget-Brown: “*The media distortion of what the Council is doing is atrocious*” {RBK00003148/1}

¹¹¹ Holgate {RBK00035426/1 §4} {RBK00043005/13}: see A O’Hagan, *The Tower*, Vol. 40 LRB No. 11, 7 June 2018 <https://www.lrb.co.uk/the-paper/v40/n11/andrew-o-hagan/the-tower>

¹¹² Holgate {RBK00043005/13} (only in draft hindsight and with criticism of the media)

undeclared, the TMO Board planned to commission a PR firm to put its message out.¹¹³ When Holgate spoke to John Hetherington, John Barradell and Mark Sawyer at 17:30 on the 14 June, it was indicated that the Leader of the Council might call on “*political leaders across London to provide political support to RBKC*” even though this was recognised (at least by Hetherington) as “*a delicate subject*”.¹¹⁴ Jo Farrar at DGLG was then told by Holgate in a call at 12:30 on 15 June that “*Grenfell Tower residents have been complaining for a long time about the council*” with “*a trail of letters written to the council*”, with the suggestion that “*several people could make this worse than it is and the council is worried that they might need assistance from the police*”.¹¹⁵ While RBKC needed intervention for logistical support, intervention was just as compelled on grounds of recusal; not least because by the morning of the 16 June both RBKC and the TMO reported their appointment of lawyers and expected the police to remove computer servers imminently.¹¹⁶

- 3.7. PANIC MYTH: Disaster management theory also particularly warns against the panic myth as likely to hinder effective collaboration with survivor communities.¹¹⁷ However in this conflict of interest, RBKC attacked the specific community dependent on its care.¹¹⁸ Attendance by Holgate at his first SCG meeting at 11:00 on 15 June indicated RBKC’s “*great concern over community tension*” with “*hostile residents very vocal in negative comments towards the incident*”¹¹⁹ but without the MPS confirming that the situation was particularly problematic, or requiring discrete SCG Action. Others present thought it “*surprising*” for the Council to be so “*focussed*” on the issue.¹²⁰ Still the force of the intervention made it into a DCLG RED report on the meeting, summarised as “*Worried about community tension, several embittered residents painting the situation in a very poor light. Incite a mob*”.¹²¹ Again at the SCG at 11:00 on 16 June RBKC claimed “*hurt and anger*” was being “*stoked by a small number of known local instigators who continue to fabricate stories to further their aims*” whereas the MPS were advising that there should

¹¹³ RBKC Gold Meeting 14 June 2017 11:00 {RBK00013271/3}

¹¹⁴ {RBK00005701} summarising the meeting at 17:30 {GOL00000177}

¹¹⁵ DGLG Read Out Farrar-Holgate call 15 June 2017 at 12:30 {CLG00008140/1}

¹¹⁶ RBKC Gold 16 June 2017 10:00 {RBK00020703/2}

¹¹⁷ PART II [E] §2.16 ABOVE

¹¹⁸ See for example Cllr Faulks comments to Edward Daffarn “*don’t try and make political capital out of this*” {IWS00002109/121 §375}. See also Victoria Borwick’s email to Paget-Brown comparing North Kensington’s community to “*gangs*” {RBK00039099/2}

¹¹⁹ SCG Teleconference #6 11:00 15 June 2017 {MOL00000047/2 §3}

¹²⁰ Strain {GLA00000009/7-9 §31}

¹²¹ {CLG00013208}: perhaps because not supported by MPS, the analysis was then left out of the Whitehall CRIP #2 (Commonly Recognised Information Picture) at 12:30 {HOM00046085/9}

be a meeting to provide “*reassurance and clarity*” and again did not regard the public order situation as in any sense beyond its control.¹²² Of the ‘Day of Rage’ that took place at the Town Hall on 16 June with protesters gaining access to the building, this “*was managed peacefully by police and there were no arrests*”, and the CRIP would note at 09:00 am on the 17 June, “*There’s currently no intelligence to indicate any disruption or significant public disorder*”.¹²³ No further issue did arise, because despite feeling rage themselves, most BSRs and their allies wanted direct action of that nature to stop.¹²⁴ And yet RBKC’s effort to instil ‘fear of the crowd’ could not have underscored more why it was inappropriate for response and recovery to remain under its control.

[C.] INCOMPETENCE

3.8. LEADERSHIP: Aside from its questionable legitimacy to govern the Grenfell aftermath there are grounds for the Inquiry to examine the extent to which RBKC was particularly ill-prepared to do so anyway. Foremost senior Council leaders and managers had little, if any, background, qualification, or experience in contingency planning or as acting in the capacity of Gold and Silver Command despite their assigned roles in the Council’s Contingency Management Plan (‘CMP’).¹²⁵ Paget-Brown knew nothing of the detail and deferred to the Chief Executive (Holgate) and Emergency Planning officer (Kerry).¹²⁶ Holgate as the Gold Commander with key strategic responsibility, had no experience to manage significant emergency¹²⁷ and apparently minimal training.¹²⁸ Holgate suggests this was compensated by a very “*experienced*” team.¹²⁹ However, David Kerry as Contingency Planning Manager had no formal qualifications nor education in emergency planning.¹³⁰ Both Stuart Priestley as Chief Community Safety Officer, and Tony Redpath as Director of Strategy and Local Services, had no background or experience in contingency planning.¹³¹ Sue Redmond, the default Humanitarian Assistance Liaison Officer (“HALO”) did not receive any emergency planning training prior to the fire and was not

¹²² SCG Teleconference #7 11:00 16 June 2017 {MOL00000036/2}: see Johnson email {RBK00038214}.

¹²³ CRIP #4 at 09:00 17 June {HOM00046085/37}

¹²⁴ Nowak {IWS00001559/8 and 10 §§38-40 and 48} and ex. {IWS00001564/2}, Richards {CFV00000012/6-7 §47} and ex. {CFV00000024/1}

¹²⁵ Contingency Management Plan For Major Emergencies and Business Continuity Disruptions Issue 10 (draft) 9 September 2015 {RBK00011685/38-39} {pp 24-25 §2.6}: see also Issue 9 30 April 2016 {RBK00028631}

¹²⁶ Paget-Brown {RBK00035001/19 §87}

¹²⁷ Holgate {RBK00035426/3 §14} {GOL00001349/4 §§14-15}

¹²⁸ Holgate {RBK00058091/6 §§2.2-2.3} (informally) and {§2.5} (desk top only): see materials {RBK00058076} {RBK00058089} {RBK00058018}

¹²⁹ Holgate {RBK00035426/3 §14}

¹³⁰ Kerry {RBK00058091/31-32 §§14.2.6 -14.2.7} and {RBK00060422}

¹³¹ Priestley {RBK00029932/3 §§8-9} and Redpath {RBK00035401/2 §6-8}

provided with any information as to the content of the RBKC CMP despite the expectation on her to lead the humanitarian response.¹³² Laura Johnson as Director of Housing would lead on mass human displacement with no emergency training nor planned role in the command structure.¹³³ Unsurprisingly, subsequent reviews found that this level of inexperience and lack of training in the senior command meant that RBKC lacked basic capabilities associated with crisis management.¹³⁴

- 3.9. TRAINING AND EXERCISE: CCR 2005 requires provision for training of staff and other contractors, including exercising, to be included in contingency plans.¹³⁵ National Guidance distinguishes ‘training’ as “*raising awareness*” about emergencies and giving “*confidence in procedures*” and ‘exercising’ that aims to “*test procedures*”.¹³⁶ RBKC had no formal Silver training programme¹³⁷ with no target for the number of Council officers (including BECC, Local Authority Liaison Officers (‘LALOs’) and others) to be trained for the period for 2015-2017.¹³⁸ Following Exercise ‘Responder’ in 2015, there were no further exercises. LALO’s were offered the desk based ‘table-top’ exercises, albeit no records were kept of the outcome.¹³⁹ Rebecca Blackburn, responsible for delivering most of the training, stated unlike other local authorities, RBKC’s plans had not been adequately tested prior to the fire, and there were insufficient large-scale emergency simulations.¹⁴⁰ There was no discrete training and exercising on dealing with bereaved families and friends; or the delicate issue of identification of human remains to be looked at more in Module 8 of the Inquiry.¹⁴¹ The TMO had no CCA training from RBKC at all; nor were they required to procure it.¹⁴²

- 3.10. QUALITY ASSURANCE AND RESOURCES: Compliance with the CCA duty to prepare was otherwise low in priority. No performance targets, level of supervision, or reporting mechanism were put in place by Kerry’s line managers Redpath and Holgate. RBKC failed to exercise, test and validate the activation of the CMP annually, as required under their own plan, including testing the operation of the Borough Emergency Control Centres

¹³² Redmond {RBK00058120/2-3 §§2.1-2.3 and §3.1}

¹³³ Johnson {RBK00035592/2 §9}

¹³⁴ Wainwright {CLG00030822/1 §2}; see also Riordan & May Report {GOL00000146/3-4 §10 and Rec. 1}

¹³⁵ CCR 2005 reg. 25(b) {CAB00007003/13}

¹³⁶ Emergency Preparedness Ch. 5 {CAB00004623/52 and 54 §§5.133-5.135 and §§5.137-5.138}

¹³⁷ Kerry {RBK00058091/9 §3.3}

¹³⁸ Kerry {RBK00058091/28 §13.1}

¹³⁹ Kerry {RBK00058091/27 §10.1}

¹⁴⁰ Blackburn {RBK00035364/3 §12} Cf. Emergency Preparedness {CAB00004623/54-62 §§5.139-5.165}

¹⁴¹ Cf. Guidance on Dealing with Fatalities in Emergencies {CLG10000363/17 §§2.4-2.6}

¹⁴² Black {TMO10048970/3§16} Brown {TMO10048982/2-3 §11}

(BECC).¹⁴³ The Emergency Planning Team was inadequately resourced for a number of years before the fire, of which the Blackburn critique of the lack of proper exercising was a case in point. In October 2014, Kerry raised concerns to the Management Board about insufficient BECC-trained staff numbers,¹⁴⁴ and again in 2016.¹⁴⁵

- 3.11. COMMAND: Compliance numbers were still insufficient by June 2017,¹⁴⁶ with Kerry both simultaneously occupying the roles of a Borough Emergency Commander ('BEC') managing the Grenfell incident, and also as Supervisor of the BECC leading the control room response,¹⁴⁷ which was not appropriate for one person to undertake.¹⁴⁸ Kerry then went home at 11:00 am on 14 June, at a time the Local Authority response ought to have been 'all hands on deck', then worked night shifts,¹⁴⁹ leaving the untrained Priestley, and otherwise junior Blackburn, to run the day-shifts, with command essentially rudderless and Holgate reliant on Kerry's return.¹⁵⁰ Other errors arising from Kerry's discharge of the command role (which the system did not ever recover from) were his failure to appreciate early enough how major the emergency was, therefore not requiring immediate attendance of all staff after being notified of the fire at 03:00. This produced consequential delay in activating the BECC and in establishing a single rest centre,¹⁵¹ and resulted in a critical lack of situational awareness of what was going on with effective rest centres as late as mid-morning on 14 June.¹⁵²
- 3.12. CONTINGENCY MANAGEMENT PLAN: The CMP, drafted by Kerry,¹⁵³ was purportedly kept under review, in default of the annual testing of the CMP (as self-subscribed¹⁵⁴), but there is little evidence of how it was reviewed. The CMP envisaged RBKC involvement in essential services,¹⁵⁵ but did so by way of listing them without explaining how they should run, and with anticipation that they would largely arise after the 'Initial Response' and

¹⁴³ CMP September 2016 [draft] {RBK00011685/11 §1.8} CMP April 2015 {RBK00028631/11 §1.8}

¹⁴⁴ Emergency Management Recruitment of Staff and Retention {RBK00035662/1-4}

¹⁴⁵ {RBK00058008/3}

¹⁴⁶ Priestley {RBK00035672/13-14 §63}: see also RBKC Report to the Management Board dated 08 October 2014 {RBK00058038/2 §3.1} Cf RBKC CMP {RBK00004396/9}

¹⁴⁷ BECC Ops Manual {RBK00033596/15 §§2.3, 2.4} RBKC CMP {RBK00004396/38}

¹⁴⁸ Blackburn {RBK00035364/3-4 §16}

¹⁴⁹ Kerry {RBK00033579/18-19 §82 and §85}

¹⁵⁰ Priestley {RBK00035672/13 §61}, Blackburn {RBK00058170/16-18 §14}, Sawyer {GOL00001349/7, 11, 14, 15 §§36, 54, 70, 77} {GOL00001301/1} (advice to take Kerry off night shifts)

¹⁵¹ Priestley {RBK00035672/4 §14, §16}, Blackburn {RBK00035364/3-4 §16}

¹⁵² Blackburn {RBK00035364/5 §§21-22}: see FURTHER §3.14 BELOW

¹⁵³ Priestley {RBK00035672/3 §10}

¹⁵⁴ Priestley {RBK00035672/3 §10}: exercise {RBK00011685/11 §1.8} leads into plan maintenance {11 §1.9}

¹⁵⁵ CMP 2016 {RBK00011685/17}

‘Consolidation’ phases had passed and emergency services had withdrawn.¹⁵⁶ Of itself the expectation underprepared the organisation as a Category 1 responder, and part of the emergency services.¹⁵⁷ Consequently there was no plan for immediate involvement with survivors other than the provision of premises to go to when evacuated without the stated services they should receive. Although the plan then acknowledged services at provided rest centres and a Humanitarian Assistance Centre, including that these venues would act as points to disseminate information, there was no detail on what these services should entail, and the annexes on the subjects were listed venues and their specification, again without detailing what they should do.¹⁵⁸ Experts warn that CMPs must be processes, and not just products.¹⁵⁹ This was definitely a product.

- 3.13. VOLUNTARY SECTOR AND COMMUNITY GROUPS: The CMP also lacked any system to engage and develop the role of voluntary sector and community groups, which are referred to only obliquely as relevant to “*media and communications strategy*”. This is despite the CCR 2005 Reg. 23(1) and (2) mandating regard to the civil protection role of the voluntary sector,¹⁶⁰ and national guidance expectation that plans “*should be clear about how this support will be activated*” such as in the operation of rest centres.¹⁶¹ The highpoint of the planning was that various venues on a list of designated emergency centres in the borough received annual phone calls from RBKC to check they still wished to be on the list and that the details held regarding the facilities at the site were accurate, but RBKC did not offer any training, guidance or other advice regarding what was expected of a rest centre and its staff/volunteers in the event of an emergency.¹⁶²
- 3.14. REST CENTRES: The fiascos in the early hours of the 14 June surrounding the delay in the establishment of BECC,¹⁶³ and initially assigning Belushi’s Bar as the official rest centre despite it being a bus-ride away Shepherds Bush,¹⁶⁴ with no dynamic risk assessment

¹⁵⁶ CMP {RBK00011685/16}.

¹⁵⁷ Holgate {RBK00035426/3 §11} (under the impression that RBKC was not “*a major part of the picture*” in the first stages of the incident) Cf. LLACC Operating Procedures {LFB00061186/17 §1.7}: see also Wainwright {CLG00030822/3 §8} (as to the misconception on the involvement of local authorities as compared to the emergency services in the initial stage)

¹⁵⁸ See, for example, Emergency Shelter and Rest Centre Directory {RBK00048005}

¹⁵⁹ Anne Eyre, Best Practice Review and Assessment {GOL00000913/81}

¹⁶⁰ CCR 2005 Reg 23(1) and (2) {CAB00007003/13}

¹⁶¹ {RBK00011685/43 §7} Cf. Local Authorities Preparedness for Civil Emergencies - Good Practice Guide {CAB00000042/11} and Emergency Preparedness Ch. 14 {CAB00004597/6 and 12-14 §14.12 and §§14.21-14.23}

¹⁶² Richards {CFV00000012/2 §5} Kerry {RBK00057979/48 §33.4} {RBK00058068/9}

¹⁶³ Blackburn {RBK00035364/11 §52} Priestley {RBK00035672/5 §22}

¹⁶⁴ RBKC Emergency Log Sheets {RBK00028849/2 §5}

having been carried out by the LALO,¹⁶⁵ and regardless of RBKC already having a list of pre-approved rest centres in the borough,¹⁶⁶ perhaps represent the paradigm of RBKC failure arising from its lack of preparedness from which the Council, and the system as a whole, never recovered from. There are many terrible accounts of BSR in exhaustion running from pillar to post.¹⁶⁷ Once multiple unofficial rest centres had emerged as a result of (1) the vacuum of leadership created by RBKC and (2) the pro-active response of community, RBKC failed to co-ordinate effective response.¹⁶⁸ The establishment of Westway did not solve this problem, as many BSRs did not attend Westway due to its own shortcomings.¹⁶⁹

3.15. EMERGENCY SHELTER AND ACCOMMODATION PLAN: Despite the CMP containing lists of possible rest centres, no thought was given to producing a similar list and having arrangements in place with local hotels in event of displacement from homes. The Housing Contingency Management Plan 2012 ('HCMP')¹⁷⁰ was supposed to set out the information, procedures, and action to be taken to ensure an effective, flexible and timely response by Housing to any emergency and was to be updated annually.¹⁷¹ The last draft that has been disclosed is dated July 2012. Importantly, the HCMP provides for contingency planning and procedures on individual cases of homelessness and explicitly states that "*it is doubtful there would be available accommodation to be able to place higher numbers*".¹⁷² There are no contingencies in either the CMP or HCMP to address this gap. A longer-term fiasco in RBKC response was accommodating BSR into dispersed hotel accommodation, where they experienced a range of psychological, social and dietary issues.¹⁷³

3.16. INFORMATION SHARING: For co-responding agencies and others a particular failure of RBKC in the first week was its incapacity to provide the most basic of information, even on the number of residents in the building prior to the fire.¹⁷⁴ Under CCR 2005, RBKC

¹⁶⁵ RBKC Assistance Centre Manual, Issue 2 dated August 2014 {RBK00058083/11 §3.3}, Layton {RBK00029034/5 §15}

¹⁶⁶ Emergency Shelter and Rest Centre Directory – Issue 6, dated 29 May 2015 {RBK00048005}

¹⁶⁷ BEIS-DCLG 20 June 2017 {CAB00011934/1 at point 4}.

20 June 2017 {CAB00011934}: see further PART V [A] §5.5 BELOW

¹⁶⁸ Blackburn {RBK00035364/5 §21} {CAB00001209/3}. {RBK00037258}

¹⁶⁹ Hardy {LBE00000025/6-7 §33-37}, {LBE000000056}

¹⁷⁰ RBKC Housing Contingency Plan {RBK00035406}

¹⁷¹ RBKC Housing Contingency Plan {RBK00035406/5 §1.2, §1.5}

¹⁷² RBKC Housing Contingency Plan {RBK00035406/26}

¹⁷³ PART V [A] §5.6 - 5.7 BELOW

¹⁷⁴ E.g. SCG #4 14.6.17 {CLG00008043}, Mass Fatality Co-ordination Group 14.6.17 {RBK00037653} and 15.6.17 {CLG00014870}, Hammond-Richardson 08:39 15 June 2017 {CAB00002896/1}, Brief to PM 16.6.17

had a duty to provide information about its residents to other Category 1 responders.¹⁷⁵ The duty was non-delegable to the TMO, who in any event did not have responder status. Some aspect of the problem was foreshadowed by the Adair Tower fire, when the TMO was unable ascertain key details from RBKC in order to open rest centres, requesting clarity on a plan for temporary accommodation in a disaster, and the TMO's role in humanitarian response.¹⁷⁶ The matter was never resolved.¹⁷⁷ Between RBKC and the TMO, there was considerable floundering in establishing basics (i.e. residents lists, known survivors, known whereabouts, relevant vulnerability).

- 3.17. COMMUNICATION: The communication of information is a critical component to humanitarian aid.¹⁷⁸ This was supposed to be a multi-agency endeavour,¹⁷⁹ but primarily the responsibility of the Local Authority and the police via the Humanitarian Assistance Centre, Family and Friends Reception Centre Family Liaison system, and the Police Casualty Bureau [see PART II [E] §2.12 ABOVE]. The value of clear, accurate and timely public communications and information was not initially grasped, resulting in poor communications that created confusion on the ground and sowed mistrust, particularly so given the RBKC's lack of community engagement and credibility. There was particular confusion and procrastination regarding information to families relating to the deceased. The RBKC Humanitarian Assistance Liaison officer, with that being one of her roles, was appointed without a brief,¹⁸⁰ with the database of missing and deceased still being created as of 18/19 June,¹⁸¹ and with no Family and Friends Reception Centre set up until 22 June 2017.¹⁸² In their absence, the police Casualty Bureau took information *from* the BSR but did not provide information *to* them.¹⁸³ On BSR information generally, the Westway

for Grenfell Tower Recovery Taskforce {CAB00000146/1} §4}. GRTF Report {IWS00002092/7 §21} ascribed the cause of this, in part, to the absence of "*fairly straight forward data and tracking systems*": see also Tallatire {CAB00014769/5 §28} {CAB00014830/3 §§8-9}

¹⁷⁵ CCR 2005 reg. 11(2)(b) {CAB00007003/8}

¹⁷⁶ TMO Memo (undated) {RBK00058037}

¹⁷⁷ Kerry {RBK00058091/36 §16.12} (accepting that there was no joint operation document produced or training events planned or conducted between RBKCs Emergency Planning or Housing Team and the TMO)

¹⁷⁸ Eyre, Best Practice Review and Assessment {GOL00000913/47}: "*While the authorities (including the police) will be keen to gain information about the identity of those involved...information about loved ones will be families' overriding priority. Thus facilitating and supporting access to this and other types of information, within an appropriate environment, is central to psycho-social support at this time.*"

¹⁷⁹ Emergency Response and Recovery {CAB00004519/123 §7.5.2}

¹⁸⁰ Redmond {RBK00058120/3 §3.4} {RBK00019952/1}

¹⁸¹ RBKC email regarding master list and database building for Grenfell tower residents {RBK00021273/2}, and email from Meek to Gould {RBK00049813}

¹⁸² FFRC teleconference minutes 19.06.17 {GOL00001082} and email from Redmond to Meek, {RBK00023455/4}

¹⁸³ PART V [A] §5.9 BELOW

Centre did not act as an effective front-facing information hub for some days, and certainly as of the weekend of 17/18 June.¹⁸⁴ Volunteer organisations were generally of the view that there was no regular system of clear public communications/information to the public until LLAG took over.¹⁸⁵ More broadly North Kensington residents were treated as afterthought on air quality/debris.¹⁸⁶ Priestley acknowledges communication failures “*to sufficiently inform people (the residents and the general public) of what to do and what it was doing*”, but importantly adds “*Once the communication impetus was lost on the first day it was something that was very difficult to recover from*”.¹⁸⁷

- 3.18. CONSEQUENCES: Incompetence in preparation rendered RBKC one of those boroughs “*taking a de minimis approach*” (so described by Lord Harris in his 2016 review of London’s readiness to respond to a major terrorist incident¹⁸⁸); with such unpreparedness all the worse because of “*limited oversight*” under the CCA and its regulations.¹⁸⁹ In that same period before the fire the CCS were acknowledging how a continued resilience model focused on the lower tier could problematically combine in a given Local Authority with ‘weak’ local governance and ‘high’ risk tolerance: especially so when “*current resourcing was below optimum*” and “*assurance about minimum standards isn’t possible*”.¹⁹⁰ After the fire, Katherine Hammond, as Director CCS continued to warn how “*Cash strapped local authorities would happily de-prioritise resilience work in some areas*” and how “*LRFs are...things that happen on top of the day job for most members*”.¹⁹¹ In RBKC these long recognised risks of resilience theory being an excuse for too little came to bear. Incompetence of the leadership and management team of itself led to institutional

¹⁸⁴ Hardy {LBE00000025/12-13 §§63, 67} {LBE00000055}, {LBE00000056}

¹⁸⁵ Richards {CFV00000012/11 §80} {CFV00000023}

¹⁸⁶ RBK00029016/9-10}. RBKC were on notice of the debris’ potential risk to the public outlined at the first STAC meeting at 10.30am on 14 June {RBK00037403/3}, but any communication with the public throughout this period on whether to touch it was entirely “*reactive, not proactive*” according to Ann Ramage (bi-borough Head of Environmental Health) {RBK00035236/8 §30} with information to not be provided to residents unless “*concerned residents and members of the public call the Council regarding debris found in their property*” {RBK00010900}. This was despite the “*many calls*” RBKC received “*from residents about the debris that was dispersed around Grenfell Tower*” on the morning of 15 June {RBK00035236/9 §34}. As to unclear communications and lack of transparency regarding underlying data, see {RBK00035236/19 §76, RBK00029016/11}. The underlying risk assessments that underpinned the Scientific and Technical Advice Cell’s (STAC) assessment were not provided to residents, see STAC meeting minutes {RBK00037548/4}. Public communications were overly technical and initially did not provide residents with any transparent assessment of risk {RBK00011168/1}

¹⁸⁷ Priestley {RBK00035672/13 §59}

¹⁸⁸ Harris Review {CAB00000092/35-36 §9.8-9.9}

¹⁸⁹ Norwell Review (April 2015) summarised at {RBK00004181/23}

¹⁹⁰ Civil contingencies: Role of the local tier [draft] {HOM00030452/4-5}: see PART II[E] §2.15 ABOVE

¹⁹¹ Hammond email correspondence {CAB00002962/1}

defensiveness and even naïveté: they could tell themselves that they were doing well, because they did not know better. Crucial first days of the recovery effort following the disaster were lost as a result. The recovery was on the brink of collapse until RBKC finally buckled under regional and central government pressure to intervene, but only at great damage to overall recovery.

IV: WIDER GOVERNMENT

[A.] CENTRAL GOVERNMENT

- 4.1. SYSTEM: The legislative and administrative framework under CCA 2004 caused Central Government to have limited understanding of RBKC's prior incompetence and made it incapable of informed and effective rapid intervention when it had become clear the local response was inadequate. For reasons developed in PART I ABOVE this failure of the state was deliberately engineered into the UK emergency response system via the doctrine of subsidiarity; with Central Government designing itself out of any hierarchical responsibility, and instead relying on horizontal local forum arrangements between Responders based on consensus and guidance without legal powers or duties over one another. When a disaster like Grenfell Tower occurred, the system crashed.
- 4.2. POLITICS: It did so at a moment of political flux. The General Election on 8 June 2017 resulted in a hung parliament, which remained prorogued until 21 June, with the surviving Conservative administration, particularly its Prime Minister, in crisis and still dependent on negotiations with the Democratic Unionist Party. Political division in the country was high with disputes on issues including austerity, deregulation, migrancy and inequality. The first images of the Grenfell Tower fire told any watcher that these divisions had life and death implications. Disasters are not egalitarian. They do not kill and spread suffering at random, but typically strike more economically or otherwise marginalised social groups the hardest: those who lived in more exposed parts the built environment and with less resources to prevent and withstand.¹⁹² This was Grenfell Tower. Public disquiet quickly rose with the Prime Minister attending the scene but failing to meet its survivors, RBKC directly implicated as the building owner, and successive Government policies towards social housing and deregulation, but particularly so since 2010, identified as the underlying cause.

¹⁹² Binu Jacob et al, *Disaster Mythology and Fact*, fn. 83 above p. 559 on Myth # 6 'Do Disasters Kill at Random?'

4.3. DELAY: The highest parts of Government knew almost instantly that the situation required exceptional state intervention. Witnesses saw it as “*obvious that this was a disaster on a devastating and appalling scale*”¹⁹³ and that “*any Council involved in such a catastrophic event [...] would need support that only government is in a position to give*”¹⁹⁴ with the establishment of a full public inquiry discussed from the first evening and with DCLG braced to answer questions on regulatory decline.¹⁹⁵ By early morning of 15 June there was “*lots of concern*” from the most senior civil servant in Whitehall, the Cabinet Secretary, that the local authority was “*not gripping the aftermath*” and that Ministers should be now “*gripping tightly*”.¹⁹⁶ Despite this internal apprehension and increasingly widespread public concerns, LLAG intervention by consent (or otherwise) did not take place formally until lunchtime on 16 June. This meant that neither London Resilience, nor Central Government using statutory powers of direction pursuant to CCA 2004 s. 7, were sufficiently interventionist when events on the ground indicated that they should have been. Other statutory interventions, such as appointing commissioners to discharge the local authority’s functions, were considered by Javid and Dawes over the weekend of 17-18 June, but not acted on.¹⁹⁷

4.4. INITIAL ASSUMPTIONS: Delay initially occurred because Central Government, and especially DCLG, made assumptions in RBKC’s favour without objective justification to do so. Jo Farrar, the Director General for Local Government and Public Services at DCLG (or her office) was told by RED at 14.05 on the 14 June that “*K&C aren't on our radar at all and therefore we don't hold anything on them.*”¹⁹⁸ Nevertheless additional “*background*” from the Office of the Permanent Secretary, Melanie Dawes, declared that Paget-Brown’s “*relationship with the department is good*”, he was “*well respected and open to ideas*”, and “*a safe pair of hands who runs a tight and steady ship*”.¹⁹⁹ Holgate had previously worked in the Treasury (apparently with Dawes)²⁰⁰ and DCLG therefore

¹⁹³ Sharma {CLG10009731/3 §7}

¹⁹⁴ Javid {CLG10009728/2 §8}

¹⁹⁵ Dawes {CLG00030653/12 §34}: see email chain from 14.6.17-15.6.17 {CAB00002899/11-12} {CAB00002899/7} (No. 10 emphasising “*political pressure*” to act) {CLG00008082/1} (Cabinet Office regarding it as “*very difficult to resist a judge led public inquiry under the Inquiries Act as it will be dragged out of us very quickly so better to be in the front foot*”) and {CLG00008082/1} (No 10 noting the “*a real risk [if] we [don't] move there quickly*”), followed the public announcement at 13:40 on 15 June {RBK00020446/3}

¹⁹⁶ Heywood-Dawes 09:12 on 15 June {CLG10009750}

¹⁹⁷ Dawes {CLG00030784/4 §§14-15}

¹⁹⁸ Powell-Farrar Office 14:05 14 June 2017 {CLG00002954}

¹⁹⁹ Ibid

²⁰⁰ Farrar {CLG00030414/5 §20}

had “a very good relationship” with him.²⁰¹ This was enough for DCLG to conclude of RBKC that “there was a strong track record of service delivery...and no risks to flag”²⁰² No reference was made to actual emergency capability.

- 4.5. LACK OF SITUATIONAL AWARENESS: This perception that RBKC were “a well-run council” (and therefore somehow suited to run emergency response well) caused its assurances that it was coping to be taken at face value when basic situational awareness would have underscored that it clearly was not.²⁰³ The limited resources available to RED bore consequences as the senior London Adviser did not go to the scene, nor realise that RBKC refused to upscale to LLAG immediately,²⁰⁴ and the GLOs were neither trained nor required to act as genuine advisers on the ground.²⁰⁵ By 15 June the Prime Minister became increasingly concerned about the non-functioning of local services, but DCLG was slower to react,²⁰⁶ with GLOs reporting “comparatively” minor issues and the Secretary of State and his Permanent Secretary providing assurances that things were okay and no more staff were needed.²⁰⁷ A turning point was when Holgate attended the Ministerial meeting on the afternoon of 15 June, having missed the prior meeting on the 14 June,²⁰⁸ and those present found it immediately obvious that he was not in control.²⁰⁹ However even following this meeting, DCLG were slow to accept the extent of RBKC’s failure, with Melanie Dawes reassuring the Cabinet Secretary later that evening that RBKC were “fine on the housing issues”, - although DCLG did not at that stage have any information from the ground to support this confidence.²¹⁰
- 4.6. CONFLICT OF INTEREST: Before then, the extent to which Paget Brown and Holgate were compromised - at the very least by apparent conflict of interest - went without

²⁰¹ Dawes Office-Sharma Office 14:19 14 June 2017 {CLG00002952}

²⁰² Dawes CLG00030653/9 §23}

²⁰³ Tallantire, Grenfell Tragedy - Lesson Learned for Central Government {CAB00014768/2-3 §§10-12} and Tallantire {CAB00014830/8 §24}: see also ‘Key Points of a discussion with No. 10’ (‘Tallantire Key Points’) {CAB00014827} that was one of the sources for his review {CAB00014830/9 §27.6}

²⁰⁴ McManus {CLG10009725/11 §39} {CLG00030739/8 §§30, 34}

²⁰⁵ Tallantire Key Points {CAB00014827} (Situational awareness “poor” and GLOs lacking “the right skillset”): see PART II [C] §2.10 ABOVE Richardson {CLG00030412/5 §§14, 46, and 104-106}

²⁰⁶ May-Javid 09:29 15 June 2017 {CAB00014859}, Gratton {CAB00014853/12 §§37, 46-48, 52-53 and 55-57}

²⁰⁷ Richardson {CLG00030412/21 §73} {CAB00014859}, Tallantire ‘Key Points’ {CAB00014827}, Dawes-Gray 22:09 15 June 2017 {CLG10009757/2}

²⁰⁸ Ministerial Meeting 14.06.17 {CAB00002714} Actions from Ministerial Meeting 14.06.17 {HOM00046087/1-2} Holgate {RBK00035426/4-7 §§17-34}. This was despite DCLG having Holgate’s contact details, see email correspondence {CAB00000365}

²⁰⁹ Richardson {CLG00030412/21-22 §§77-78}, Gratton {CAB00014853/12 §38}, Hammond-Gray 20:08 15 June 2017 {CAB00002899/1}

²¹⁰ Dawes-Heywood 20:00 15 June 2017 {CLG10009757/2}, Darby-Johnson 09:17 16 June 2017 {RBK00014687/1}

acknowledgement. DCLG, who were already bracing themselves for criticism of failures of government since the Lakanal House fire,²¹¹ received direct briefing from Holgate to Farrar about long-term resident activism over the refurbishment on that same morning that RED GLOs emailed back uncritical reports from the SCG that “mob” behaviour was predicted.²¹² In retrospect, the Prime Minister’s private secretary reflected that as the department responsible for local authorities, DCLG was “*reluctant to be seen to intervene in the matters falling within the Council's jurisdiction, and was mindful of its established ways of dealing with local authorities.*”²¹³ Put more bluntly, they may have been trying their best, but DCLG and RBKC were two compromised state entities mutually accommodating one another, when concerns over their actions were in the throes of compelling the commission of a public inquiry. Consequently, their leading on recovery was unacceptable.

- 4.7. EMERGENCY CATEGORISATION: Standing policy required formal categorisation of the emergency under the Central Government Concept of Operations (‘ConOps’) based on three levels: (L1) “*significant*”, (L2) “*serious*” and (L3) “*catastrophic*”.²¹⁴ While the Grenfell Tower fire obviously reached (L2) threatening “*a wide and/or prolonged impact requiring sustained central govt co-ordination support for from a. of departments and agencies*” it increasingly presented as a unique form of (L3) i.e. with “*Exceptionally high and potentially widespread impact*”. However, there was never a ConOps designation and no formal consideration as to whether the crisis required “*a top-down response in circumstances where the local response had been overwhelmed or the use of emergency powers were required.*”²¹⁵ The consequences of failing to apply the policy was that the assumptions prevailed in favour of status quo subsidiarity, whereas a ConOps evaluation via scaled up COBR meetings could have acted as a formal challenging process. As Dawes would put it to the Cabinet Secretary, once LLAG was activated on 16 June, and had

²¹¹ O’Connor-Farrar Office, cc Dawes Office 09:58 14 June 2017 {HOM00048912/1} (“*worse than Lakanal House*”, “*compartmentalisation has failed utterly*” “*questions [to answer] about approvals and building regs*”) McNamara-Kay 08:46 15 June 2017 {CLG00003061/1} (“*brace ourselves for [the] outcome*” of an Inquiry), Dawes Office-Farrar Office 13:19 14 June 2017 {CLG00002935/1} (), McNamara-Dawes 00:46 16 June 2017 {CLG00003259/1}: (seeking reassurance that “*the whole Department*” would stand with those who had led in relation to building regulations); see also Gillespie-Shellens 16:05 15 June 2017 {CLG00020200/1} on payment of funeral expenses and the contrast with the Manchester Arena bombing (“*It isn’t a North/South thing... it’s because this one is our fault*”)

²¹² PART III [B] §3.6 ABOVE

²¹³ Gratton {CAB00014853/27 §76}

²¹⁴ {CAB00000026/8 §2-3}

²¹⁵ Whitehead {CAB00014857/4 §15}, Gratton {CAB00014853/4 §§11-13, 15-16, 62-63, {CAB00000026/9 §3}

declared the event “*more complex than 7/7*”, there was “*one clear lesson: we should have had a PM-chaired COBR on Weds*”.²¹⁶

4.8. NATIONALISATION MECHANISMS: Across Government there was damaging delay in centralising the crisis, whether by agreement or emergency powers. Lack of situational awareness was most directly responsible with the CCS justifying the initial non-activation of COBR on the false assumption that the response was “*clearly[...] being managed extremely well by local responders*.”²¹⁷ COBR was convened in substance if not name once the Grenfell Recovery Task Force was constructed on 16 June and thereafter acted as a surrogate COBR.²¹⁸ The context as reflected in the daily CRIPs required COBR level command,²¹⁹ but internally there was doubt about the capability and capacity of DCLG to lead from an early stage.²²⁰ With cabinet-level attendance, politicians sought out a proactive role for Central Government in contrast to the removed, passive monitoring that characterised the initial response at junior-ministerial level.²²¹ The stance was supported by security and emergency experts. Mark Sedwill²²² quickly concluded that DCLG were wrong not to have intervened earlier as RBKC were “*completely out of their depth*”,²²³ and warned that without exceptional measures (including senior Minister and civil service ‘*drop everything*’ deployment) “*this will become our New Orleans*”.²²⁴ In Sedwill’s later analysis, what was missing was “*a mechanism to ‘nationalise’ a crisis before a local authority realises - inevitably too late - that it can’t cope*”.²²⁵ Or, as Tallantire would put it by the weekend after the fire, there were “*no levers readily available to force change and make things happen*”.²²⁶

²¹⁶ Dawes-Heywood 19:49 16 June 2017 {CLG00008533}

²¹⁷ Hammond-McCall 12:58 14 June 2017 {CAB00002882/1-2}

²¹⁸ Whitehead {CAB00014857/8-9 §26-30} {CLG00008533}

²¹⁹ CRIP #3 16 June 2017 {HOM00046085/19-29}; now with 43 known dead and figure expected to rise further

²²⁰ Rutman-Bowie 07:03 15 June 2017 {HOM00044761/1} (Home Office concern that DCLG’s leadership would “*comprehensively mess [things] up*”) and McGuinness-Hill 08:40 19 June 2017 {CAB00012086/1} (CCS perceived DCLG as under-resourced and suffering from alleged poor leadership)

²²¹ {HOM00046083} {HOM00046131}, cf. Macfarlane-May 18:19 16 June 2017 {CAB00005339}, Whitehead 19:54 16 June 2017 {CLG00005219}; see, also e.g., Gove-Barwell 17:57 19 June {CAB00006378}

²²² i.e. the National Security Adviser, previously Permanent Secretary to the Home Office and soon to be appointed Cabinet Secretary

²²³ Sedwill-Hammond 15:50 16 June 2017 {CAB00002894}

²²⁴ Sedwill-Dawes 23:47 17 June 2017 {CAB00008923/3}

²²⁵ Sedwill-McGuinness-Gray 08:53 17 July 2017 {CAB00002910/1}

²²⁶ Key points from discussion with No. 10 {CAB00014827}: deploying commissioners to take over RBKC was considered. See WS2 of Dawes {CLG00030784/4 §§14-15}, but no consideration was given to use powers under CCA 2004 ss 5 (or under s. 7 for urgent cases)

[C.] LONDON RESILIENCE

- 4.9. VACUUM: Features of the Central Government delay played out in the London Resilience system, albeit unlike at Central Government level there was no power to intervene.²²⁷ Again in the initial period, despite the emerging figures on fatality and displacement, the key figures in London Resilience supported RBKC to lead the response, only to discover quickly on the second day that their offer of support without imposing it was causing serious damage. A complex negotiated takeover thereafter ensued and as a result LLAG command, led by John Barradell, did not take control until the afternoon of 16 June, which effectively meant that there was a damaging leadership vacuum on the ground throughout the first week of the disaster.
- 4.10. INITIAL ASSUMPTIONS: For experienced figures in urban emergency, the initial response of the leadership of London Resilience was overly generous to RBKC. LLAG command was offered as early as 07:44, declined by Holgate at 07:50 on the basis that “*aside from housing needs that may well spill over borough boundaries, I do not (yet) think LLAG needs to gear up*”. As a result at 08:10, LLAG were “*All ... content at the moment that RBKC retain [t]he lead*”²²⁸ The system did not legislate for Holgate’s peers or London Resilience colleagues to query his judgement;²²⁹ and situational awareness for the rest of the day relied on John Hetherington’s offsite reporting as a result of his attending the SCG meetings with RBKC attending by telephone.²³⁰ As of the afternoon on 14 June RBKC were commended by Hetherington in their approach to survivors in rest centres as “*managing within demands and assessing the exact need for support*”.²³¹ At the telephone meeting at 17:30 between Holgate and LLAG (by which time 12 fatalities were confirmed with knowledge “*this will rise*” and RBKC were seeking “*political support*”),²³² it was still the case (as Holgate puts it) that “*no one seemed to envisage an escalation in the response of local government*”;²³³ and (as Barradell would put it) only “*peer support*” was being

²²⁷ PART II [B] §2.7 ABOVE

²²⁸ Hetherington-Barradell-O’Brien-Sawyer 08:11 14 June 2017 {GOL00001168}

²²⁹ Eleanor Kelly (Southwark Council) had offered assistance at 06:51 based on her experience of Lakanal House only to be told by Holgate that they would come back only on housing, to which she internally observed, “*Why oh why*” {GOL00000392/2}. Her second statement to the Inquiry does not deal with what was meant by the comment: {GOL00001730/2 §4}

²³⁰ Hetherington {LFB00061158/18 §§54-66}: although these meetings were all off site at the MPS Special Operations Room.

²³¹ Hetherington-Naylor 14:31 14 June 2017 {GOL00001610}

²³² Hetherington-Holgate 18:58 14 June 2017 {RBK00005701}: see PART II [B] §3.6 ABOVE

²³³ Holgate {RBK00035426/6 §32}

given because “[LLAG] activation has not been requested.”²³⁴ As of 23:04 on 14 June, Hetherington (by way of a handover note) summarised reluctance to “*get drawn into a long term support*”, commenting that “*Gold is very good this evening*” (i.e. Holgate) and to focus on advising RBKC to “*let them get on with it*”.²³⁵ These were not the conflicts of interest described above, but they were overly accommodating relations amongst peers and colleague; with Holgate failing to ask for LLAG activation out of insecurity, and the others unwilling to press for it, for want of proper situational awareness and seemingly out of some form of professional courtesy.

- 4.11. INTERVENTION: By the following day there was far more disquiet. Press reports were reflecting the inadequacies of the response.²³⁶ The Mayor of London’s office – that had the most situational awareness through Sadiq Khan’s site visits and discussion with people on the ground – objected to RBKC managing the recovery process.²³⁷ Mark Sawyer deployed into the RBKC Gold on a watching brief only to find the system comprehensively failing.²³⁸ There was a teleconference held at 17:00 on 15 June (involving Barradell, Eleanor Kelly, Holgate and Sawyer) prompted by both the concerns in the media and the information received from Mark Bennett and members of Southwark Council who had also deployed to RBKC.²³⁹ During that call it became clear to Barradell that “*further support was needed*”²⁴⁰ although nothing was formalised pending talks with London Resilience colleagues after the completion of the call.²⁴¹ During the day it also became clear to Hetherington that LLAG protocol invocation was inevitable, not least the Mayor’s Office objecting to RBKC leading on the recovery stage once MPS and the LFB formally withdrew.²⁴² After forwarding an email to that effect at 18:11, Hetherington spoke to Sawyer who explained that LLAG involvement would likely occur pending assessment and activation the following day.²⁴³ Emails from Charlie Parker (Chief Executive

²³⁴ Barradell {GOL00000244/9 §34}

²³⁵ Hetherington 23:04 14 June 2017 ‘handover notes’ {LFB00061229}

²³⁶ See for example Harriet Sherwood et al, ‘Locals’ anger and frustration spills out after Grenfell Tower fire’ (The Guardian, 14 June 2017) at: <https://www.theguardian.com/uk-news/2017/jun/14/grenfell-fire-location-reaction-anger>

²³⁷ Khan {MOL00000189/19 §§81, 95}, Bellamy {MOL00000025/16 §79} {GOL00000196/1-2}; and see Hetherington-Cameron 18:11 15 June 2017 indicating Mayor’s concern about RBKC managing the recovery phase given his experience that day {LFB00061233}; see fn. 242 below

²³⁸ Sawyer (note to self) 15:01 01 July 2017 {GOL000001301} and {GOL000001349/11 §54}

²³⁹ Kelly {GOL00000439/9 §§32-33} {GOL00001730/4 §§9-11}

²⁴⁰ Barradell {GOL00000244/9 §§34-35}

²⁴¹ Barradell {GOL00000244/9 §§36-37}, Kelly {GOL00001730/6 §§13-14} O’Brien {LOC00000004/5 §13}

²⁴² Hetherington {LFB00061158/23 §75}; see ex. 62 {LFB00061233} (possibly misreferred to ex. 66)

²⁴³ Hetherington {LFB00061158/22 §§72, 76}

Westminster City Council) at 21:42 expressed relief that Holgate had been persuaded as he had “*tried to get him to recognise this is too big for RBKC ... but, he hasn't been able to acknowledge that it would be necessary*”.²⁴⁴ Further email chains between Parker and the Leader of Westminster City Council were forwarded to DCLG. Once drawn to the attention of Sajid Javid the following morning they made it clear across Regional and Central Government how imperative LLAG had become.²⁴⁵

- 4.12. HANDOVER: The RBKC sitrep on 16 June at 07:00 listed LLAG as an “*issue being managed*”.²⁴⁶ Barradell and Kelly attended the RBKC Gold meeting at 11:00 that morning, and “*simply observed*”.²⁴⁷ According to London Resilience witnesses LLAG was not formally activated until 14:00 that afternoon.²⁴⁸ Paget-Brown was told about this on the Friday, but Holgate (alone) dates the transfer to the night before.²⁴⁹ In responding to a journalist’s questions about the delay in LLAG, Holgate recognised a potential “*fissure*” between the “*London-wide*” account and his.²⁵⁰ In any event, “*following handover, nothing changed very quickly*”²⁵¹ especially as there was “*no formal procedure for handover to London Gold*”.²⁵² Over the weekend the command situation was “*chaotic*” with “*no structures or control*” and RBKC staff unaware of the implications of LLAG being invoked;²⁵³ Councillors were not informed of the invocation of LLAG until the evening of 18 June.²⁵⁴ There were numerous instances of duplication, lack of collaboration and inefficiencies between BECC and LLACC.²⁵⁵ RBKC staff/officers were still delivering many essential humanitarian services to BSRs after the LLAG invocation, including housing and adult social care.²⁵⁶ Communication issues were thereafter

²⁴⁴ Parker-Barradell-Kelly 21:42 15 June 2014 {GOL00000204}

²⁴⁵ Parker-Aitken 00:25 16 June 2017 forward Aitken 08:26 to No. 10 and forwarded on to DCLG {CLG00008314/2-3}: see also Javid {CLG10009728/14 §59}

²⁴⁶ {RBK00004809/2}

²⁴⁷ {RBK00035426/8 §41}.

²⁴⁸ Barradell {GOL00000244/10 §39}, Kelly {GOL00001730/6 §15}, Hetherington {LFB00119130/32 §101} and Sawyer {GOL00001349/12-13 §62}: see RBKC Gold Minutes 10:00 16 June 2017 {GOL000000597}

²⁴⁹ Paget-Brown {RBK00035001/25 §115}: see also Naylor (who was still duty LLAG at this point) wrongly understanding from Hetherington’s 16 June at 13:27 email to all Chief Executives “*that Nicholas Holgate was still in command of the response*” {GOL00001603/9 §26}

²⁵⁰ Holgate-O’Donoghue 09:27 21 June 2017 {RBK00004433}

²⁵¹ Holgate {RBK00035426/8 §40}

²⁵² Holgate {RBK00035426/8 §39}

²⁵³ Kelly-Najsarek 04:05 18 June 2017 {GOL00000394}:

²⁵⁴ Moylan-Paget-Brown 18 June 2017 {RBK00003148} Paget-Brown email update to RBKC Councillors 17:26 18 June 2017 {RBK00027962}

²⁵⁵ Sawyer {GOL00001349/17, §§86-87, 96-97}, Barradell {GOL00000244/7 §§22-23}.

²⁵⁶ Holgate {RBK00035426/9 §49}

compounded by what Hilary Patel of DGLG described as 20:40 on 20 June as *“People...confused by the different agencies working on the ground and they don't realise that everyone is working to one command.”*²⁵⁷ While activation may have provided an immediate political and administrative solution to an incompetent and mistrusted emergency command team, it therefore remains to be seen how well the emergency regime and its local authority host were able to coexist as an effective mechanism for restoring BSR welfare.

- 4.13. SYSTEM FAILURE: The saga of LLAG intervention seriously brings into question the model of local resilience that underpins the UK's emergency response framework; and tells more than anything that there was no system to manage disasters. Its flaw was that the LLAG Gold Resolution does not envisage a circumstance where the duty LLAG would intervene without request.²⁵⁸ Consequently, the LLAG protocols stated no more than *“LLAG arrangements are activated when: LLAG is contacted in relation to an emergency which has occurred.”*²⁵⁹ Subsequent review characterised this as the anomaly of what to do when *“a borough needs help but does not request it.”*²⁶⁰ Procrastination over Grenfell Tower was also inconsistent with more recent practices, with LLAG activated in *anticipation* of assistance being required during the 2014 Croydon Flood and the 2017 London Bridge Attack, but then stood down when it was confirmed that the relevant local boroughs were capable of leading the response.²⁶¹ In evidence to the GLA Oversight hearings in November 2017, several of the key London Resilience witnesses cited the delay invoking LLAG as one of the foremost failings of the aftermath period.²⁶² Cumulative LLAG protocol arrangements failed to strike the intended balance between localism and interventionism, prolonging the official responders' lack of legitimacy and its paralysis.

²⁵⁷ Patel-Patterson 20:40 20 June 2017 {GOL00000289}

²⁵⁸ Naylor {GOL00001603/2 §4}

²⁵⁹ {LFB00061186/5}

²⁶⁰ {LFB00061197/11 §9 and /22 §h}.

²⁶¹ {LFB00061197/31-32}

²⁶² Kelly {MOL00000017/10} Barradell {MOL00000017/6-7} {MOL00000017/12}, Bellamy {MOL00000017 pp 7-8, 24-25 and 37}: see also Khan {MOL00000189/23 §96}

V: COMMUNITY

[A.] EXPERIENCE

- 5.1. LIVING DISASTER: All of the various CCA guidance, checklists and protocols are concerned with actions in the face of disorder. They do not create order.²⁶³ Their foremost effect (if they function) is to order the minds of the Responders, but individual and community response to disasters may, or may not, coincide with the systems and policies outlined in PART I ABOVE. This module therefore requires the Inquiry to adopt a dual mindset that analyses the state systems in place and how (and why) they failed, but also focuses on the human experience on the ground and the individual and collective impact of the disaster for those who went through it. Only by doing the latter can the Inquiry hope to accomplish the former.
- 5.2. TRAUMA AND NEED: The best practice advice that is adopted in the UK guidance is that disasters are not only physical events requiring procedural approaches to planning and response; they are also psychological and social events requiring human understanding and engagement.²⁶⁴ Kai Erikson²⁶⁵ has long written about how disaster creates two types of trauma: individual trauma (a blow to the psyche that breaks through one's defences so suddenly and with such brutal force that, at least initially, one cannot react to it effectively) and collective trauma (a blow to the basic tissues of social life that damages the bonds attaching people together and impairs the prevailing sense of communality).²⁶⁶ Disaster response must therefore service psychological and empowerment needs, as much as provision of basic needs (see figure below 'Maslow's hierarchy of needs' that is a helpful reference taught by the Red Cross.²⁶⁷). The quality of response can be judged against the extent to which these needs were met, and by whom.

²⁶³ Lucy Easthope, *The Recovery Myth, The Plans and Situated Realities of Post-Disaster Response* (Palgrave, 2018) pp 30-32

²⁶⁴ Eyre, Best Practice Review and Assessment {GOL00000913/11}. Eyre quotes Beverly Raphael, 'When Disaster Strikes: How Individuals Cope with Catastrophe' (Basic Books 1986) at {8}: "*The acute disastrous circumstances of major catastrophes represent much of our struggle to deal with the stresses of existence. As such, they symbolize and condense many factors important to understanding human behaviour and alleviating human suffering. The death and devastation of disaster represents the worst of human fears*".

²⁶⁵ See, especially, Kai T Erikson, 'Everything in its Path, Destruction of a Community in the Buffalo Creek Flood' (Simon Schuster 1976, reissue)

²⁶⁶ Eyre, Best Practice Review and Assessment {GOL00000913/16}

²⁶⁷ BRC Foundation Training Programme: see Tutor Guide {BRC00000033/17} and Learner's Workbook {BRC00000034/17}



5.3. BSR: In any evaluation of what many now call the “BSR” it is important to avoid homogenous generalisation.²⁶⁸ In the navigation of these traumatic events there were different needs, manifested in different ways, borne out of each bereaved, survivor and resident’s discrete personality, family and social network.²⁶⁹ The sometimes less obvious victims include, friends and families of the deceased, but also the wider residents of Lancaster West Estate who experienced the fire’s impact, who were drawn into its aftermath, and had their community destroyed.²⁷⁰ The Inquiry has the unparalleled opportunity to provide both a collective account of this trauma while giving individual voice to the experiences of those who went through it. With those caveats some opening general observations can be made, especially with regard to rest and reception, temporary accommodation and the communication of information.

5.4. REST AND RECEPTION: Many of the essential services cited under the civil contingency framework of guidance (PART II [A] §2.12 ABOVE) concern filling the most basic of deficits in the hierarchy of needs: physiological (food, water, warmth, rest) and safety (security and safety, including elemental information as to whether the missing have survived). For that reason the acute respite of rest centres and focal reception points for converging family and friends, was critical. Without a pre-planned and structured approach by the Local Authority,²⁷¹ the BSRs suffered a torrid pillar-to-post experience that was physically harsh as much as deeply insecure.

²⁶⁸ Eyre, Best Practice Review and Assessment {GOL00000913/31-32}

²⁶⁹ Erikson, *Everything in its Path*, p. 156 advises the reader of BSR statements to read the words as “*uttered by solo voices, each of them expressing a private grief in a private way; but they are drawn from a vast chorus of similar voices, and together they tell of experiences common to a whole community.*”

²⁷⁰ Eyre, Best Practice Review and Assessment {GOL00000913/14-16}

²⁷¹ PART III [C] §3.14

5.5. EXPERIENCE: Examples include, Hisam Choucair rushing to the Garden Bar and Grill on Bramley Road²⁷² only to find smoke inhalation victims shaking with trauma and shock, and from which his own hope for his family started to fade.²⁷³ Others repeatedly speak of moving between too many rest centres, “*round in circles, going through the same experience, ...really upsetting*” not “*know[ing] where to turn to or whom I could trust*”²⁷⁴ At these various locations there was a vast number of distressed people, some crying, some numb, many in states of high anxiety,²⁷⁵ and all the time it felt like government had “*vanished*”.²⁷⁶ RBKC’s visible service at Rugby Portobello (‘RPT’) was minimal.²⁷⁷ The TMO was never seen.²⁷⁸ At Clement James (‘CJC’), RBKC again had limited presence and only on the first day (RBKC did not attend the following day),²⁷⁹ and although someone from the TMO was eventually also present, experience of them was not positive.²⁸⁰ As these rest centres were overwhelmed, they had to turn away non-survivors leaving friends and family of the missing with nowhere to go.²⁸¹ For those who went early to the Westway the atmosphere was “*quite overwhelming*” in terms of “*noise and movement*”,²⁸² “*chaotic*” with “*no leadership or any organisation*”,²⁸³ creating fear rather than calm,²⁸⁴ and with people turned away for want of identification (destroyed in the fire).²⁸⁵ Volunteers from Ealing Council found Westway on the weekend in a mess not appearing to be safe nor welcoming, and unable to meet the pressing needs of those who

²⁷² Listed as a place of casualty handling in the LFB Command Unit {MET00015927}

²⁷³ Hisam Choucair {IWS00001197/14 §§55-56} {IWS00001851/18-21 §§102-108}

²⁷⁴ Jniah {IWS00001600/9 §31}

²⁷⁵ Sang {IWS00001939/8 §§35-36}

²⁷⁶ Chiapetto {IWS00001780/4 §15}

²⁷⁷ El Ogbani {IWS00001746/6 §§26-28}, Khalloud {IWS00001754/5 §26}, Jniah {IWS00001600/7 §25}, Jones {IWS00001548/7 §§29-30}, Hanan Wahabi {IWS00001714/11 §53}, Amina Mohamed {IWS00001545/10 §44}, Daffarn {IWS00002109/120 §§368-373, 376}

²⁷⁸ Simms {CFV00000005/17 §§79, 82, 93}, El Ogbani {IWS00001746 §§26, 36}, Mussihily {IWS00001783/7 §§27, 49}, Al Karad {IWS00001541/17 §84} Mesrob Kassemajian {IWS00001784/12 §60}. Cf. TMO suggestion otherwise: {TMO00869981/1}, {TMO10048982/4 §§19-20}; {TMO10048986/5 §§20-23}, {TMO00887108/3 §§15-16}, {TMO10048975/3 §24}

²⁷⁹ Richards {CVF00000012/4 §§21, 65, 73-74}, M. Jafari {IWS00001815/12 §§50-51}, Kabouh {IWS00001942/5 §28}, Ranito {IWS00001249/7 §31}

²⁸⁰ Spence {IWS00001657/3 §10}, Burke {IWS00001544/7 §§44-45}

²⁸¹ Chaer-Yemlahi {IWS00001644/2 §§59-11, 17}, Jniah {IWS00001600/6 §22}, Spence {IWS00001657/3 §12}, Chrebika {IWS00001286/21 §163}

²⁸² Boujetif {IWS00001608/5 §23}

²⁸³ Mussilhy {IWS00001783/8 §31}

²⁸⁴ O. Alhaj Ali {IWS00001533/12 §§59-62} (“*I just kept asking myself why I was there and what was happening. I had a lot of fears, like whether I will be homeless now, and what will happen next. No one came up to me to talk to me about what help I needed. That was what I needed. No one knew anything about me, like whether I had been in the Tower or not*”)

²⁸⁵ Daffarn {IWS00002109/124 §384}

came.²⁸⁶ Despite improvements into the second week, as a formal Humanitarian Assistance Centre ('HAC'), Westway remained intimidating²⁸⁷ and overly repetitious (and retraumatising) in requiring BSRs to serially narrate their personal circumstances.²⁸⁸

5.6. ACCOMMODATION: From the chaotic experience of various centres and without any pre-existing housing emergency plan,²⁸⁹ emergency accommodation was found in hotels, but these placements were not homes, and the extent to which living in them underscored that their real homes had been lost cannot be underestimated. Also, when RBKC pointed to its mass hotel arrangements as an achievement,²⁹⁰ they did not register the extent to which people would experience isolation and, in the absence of an adequate HAC, have no community site to return to. While hotels might have given people a place to sleep, they did not enjoy privacy, and in terms of reconstituting their psychological needs these were by no means places to restore peoples sense of belonging and connection to loved ones and others.

5.7. EXPERIENCE: Of the various difficult experiences, examples include those who having escaped the burning Tower block felt profound anxiety when allocated rooms above ground floor.²⁹¹ Many families lived in unsuitable overcrowded conditions.²⁹² Others were dealing with vulnerable family members, for instance with dementia, whose removal to unfamiliar hotel surroundings aggravated their conditions.²⁹³ There were people sent out of the borough or to distant locations, leading to physical and emotional isolation;²⁹⁴ and in some cases their children had difficulty accessing their education.²⁹⁵ Other individuals and families wanted privacy to recover and suffered because it was rarely available.²⁹⁶

²⁸⁶ Hardy {LBE00000025/6 §§34-35, 42: RBKC presence was limited; interaction with BECC was largely negative {§115} {LBE000000056/2}

²⁸⁷ Richards {CFV00000012/16 §107} Blanchflower {CFV000000045/9 §33}

²⁸⁸ Simms {CFV00000005/20 §96}

²⁸⁹ PART III [C] §3.15

²⁹⁰ L Johnson {RBK00035592/12 §47}, A Johnson {RBK00044877/7 §35}.

²⁹¹ J Dainton {IWS00001804/20-21/§127-129}, Araya {IWS00001648/3-4 §17}, Thompson {IWS00002110/33 §130}, Burton {IWS00001661/24-25 §§128-133}

²⁹² Rasoul {IWS00001768/22 §105} (a single room with a double bed for him, his wife, and two children, and a single bed for his father), Hanan Wahabi {IWS00001714/12 §§55-56}

²⁹³ Rasoul {IWS00001768/24 §116} See also experience of Nicholas and Pily Burton {IWS00001661/30-31 §§160-164}

²⁹⁴ Demissie {IWS00001540/5 §§20-27}, Al Karad {IWS00001541/14 §71}, Chiapetto {IWS00001780/3 §9}, Benkhoulia {IWS00001269/7 §56}

²⁹⁵ Ortiz {IWS00001283/5-6 §41}, Masroh {IWS00001759/14 §62}

²⁹⁶ O. Al Hajali {IWS00001533/14 §§71-76} Wahabi {IWS00001714/12 §56} Nalukwago {IWS00001568/2 §11}, Jamalvatan {IWS00001724/5 §§22-23}, McMahon {IWS00001966/11-12 §§49-50}

Healthy eating let alone, halal healthy eating, became very difficult.²⁹⁷ People now relied on paid laundromats with no budget to pay for it.²⁹⁸ Residents were not informed of the duration of their stay, resulting in anxiety about whether bookings had been renewed arising from an accompanying lack of communication,²⁹⁹ and sometimes leading to movement at short notice,³⁰⁰ or remaining for months without ever expecting it.³⁰¹ Many Walkways residents had to return home to suffer lack of amenities and traumatic reaction to being so close to the Tower,³⁰² with children, who knew other children who died in the fire, literally playing in its dust and debris.³⁰³

5.8. COMMUNICATION: People needed information on fundamental matters, such as who was alive or dead, where they would sleep, whether it was safe to breathe in the air around them or for their children to touch the debris on the floor,³⁰⁴ how they would eat, and how it could be paid for. The disaster would have rendered anyone insecure; but in this case there was good reason to mistrust RBKC and the TMO, who lacked genuine community engagement before the fire, were complicit in its event, and were failing in its aftermath. In those circumstances, trust was rationally low, and clear reliable and comprehensible information was at an absolute premium. At a point of insecurity and disempowerment knowledge would allow BSR to regain power by making their own informed choices; whereas without it they remained too dependent on the choices of others, many of whom they understandably, and predictably, distrusted³⁰⁵

²⁹⁷ Abede {IWS00001796/9 §22-23}, Araya {IWS00001648/4 §21}, Jones {IWS00001548/9 §§37-39}, Eudey {IWS00001615/12 §61}, Raihani {IWS00001300/4 §23}, Chebiouni {IWS00002043/7 §42}, Kabauh {IWS00001942/6 §31}, Alphawaz {IWS00001274/13 §101}, Hanan Wahabi {IWS00001714/16 §75}

²⁹⁸ Hanan Wahabi {IWS00001714/12 §57}, Jones {IWS00001548/9 §40}

²⁹⁹ Thompson {IWS00002110/35 §126}, {IWS00002102/3-4}

³⁰⁰ Afeworki {IWS00001756/4 §22}, Roncolato {IWS00001774/15-16 §88}, El Hassani {IWS00001636/16-19 §§68-75}

³⁰¹ Beadle {IWS00001872/11-12 §§44-49}

³⁰² Rullo {IWS00001655/8-9 §§33-36}, Murray {IWS00001639/5 §§26-28}, Boujettif {IWS00001608/8 §34}, Burke {IWS00001544/9 §52}, Murray {IWS00001639/4-6 §§22, 25-36}, El Hassani {IWS00001636/19 §75}. See also inadequate communication to Walkways residents {RBK00008827}. Some at RBKC displayed skepticism towards the trauma suffered by residents from the wider Lancaster West Estate, see Shaw-Gill {RBK00042062}, despite public health officials' recognition of the trauma suffered by many such residents {RBK00018774}.

³⁰³ B Lasharie {IWS00000634/5 §§23-27} Ex. BL/3 {IWS00001531} [child on bicycle in cordoned walkway in view of the Tower] and BL/4 {IWS00001534} [child with feet with black soot]. RBKC were aware that debris from the fire had settled in school playgrounds and children's recreation centres: Ramage {RBK00035236/9 §36}

³⁰⁴ Hessel {IWS00001645/9 §33, §59}. See also Footnote 186 above in PART III [C] §3.17

³⁰⁵ See for example Simms {CFV00000005/8 §36}

- 5.9. EXPERIENCE: Examples of this predicament were foremost with regard to information relating to missing persons.³⁰⁶ As Meron Mekonnen would say of the constant rumours but lack of concrete facts, “*We were just desperate for information. It took a long time and for weeks and weeks we just did not know what happened to our friends and neighbours.*”³⁰⁷ Even if final identification of deceased was time consuming (which will be reviewed in Module 8) people still wanted a single line or main source of communication, “*rather than hearing small pieces of information through word of mouth.*”³⁰⁸ The police casualty bureau did not function as a ‘help’ line, but neither did anything else.³⁰⁹ More generally, rather than reaching out to communicate critical information on available support, peoples’ experience of RBKC was “*silence*”,³¹⁰ “*disappearance*”³¹¹ and leafletting on mundane matters,³¹² which was unavailable to the non-resident bereaved in any event.³¹³ Often only great effort obtained answers, and in that respect people who were less able to battle (given exhaustion, lack of access to technology, language difficulties or other vulnerability) could lose out.³¹⁴
- 5.10. DISEMPOWERMENT: Achieving basic physical and psychological need was by no means enough for BSR recovery. RBKC had withdrawn or were otherwise ineffective in the first days. People were enraged, not just because of that withdrawal, but the long-term lack of real engagement in Lancaster West that had preceded it. In these BSR experiences of the aftermath what residual connection there was between the state and its citizenship (in its original sense of all those residing in that part of the city) collapsed. It was from that

³⁰⁶ PART III [C] §3.17 ABOVE. For BSR, see Jniah {IWS00001600/13 §48}, Neda {IWS00001272/9 §55}, Rasha Ibrahim {IWS00001650/4 §§23, 28-29}, Spense {IWS00001657/5 §§6, 20, 23}, Elsanosi {IWS00001837/4 §§12-14}, H. Choucair {IWS00001851/25 §130}, {IWS00001851/28 §§147, 149, 150}, Jafari {IWS00000744/7 §36}.

³⁰⁷ Mekonnen {IWS00001726/7 §36}, Mussilhy {IWS00001783/11-12 §48} {IWS00001783/14 §57}, Rasha Ibrahim {IWS00001650/3 §15}, Ghamhi {IWS00001706/7 §41}, and Oyewole fire {IWS00001730/13 §27}

³⁰⁸ Dedrich {IWS00001275/8 §56}, Raihani {IWS00001300/5 §29}, El-Guenuni {IWS00002034/13 §53} Girma {IWS00001732/14 §32}

³⁰⁹ El-Gourja {IWS00001700/5-6 §24, §28}, Lamprell {IWS00001673/9 §55}, Chellat {IWS00001284/2 §11} Farhad Neda {IWS00001302/4 §21}

³¹⁰ Ojewale {IWS00001730/13 §27}

³¹¹ El-Baghdady {IWS00001535/10 §§44, 54} Jniah {IWS00001600/8 §28}

³¹² Toyoshima-Lewis {IWS00001725/74 §303}, Moghaddam {IWS00001266/6 §27}

³¹³ Lamprell {IWS00001673/8 §52}, S Aghlani {IWS00001200/8 §32}

³¹⁴ Hanan Wahabi {IWS00001714/16 §72}, Abdulhamid {IWS00001919/5-6 §27}: see also Jackson Le-Blanc {IWS00001271/26 §238-240} (“*There was so much information flying around. It was chaotic. It seemed that you had to get out there and obtain information yourself, you received little otherwise.*”), Lamprell {IWS00001673/8 §52}, and Oyewole {IWS00001730/13 §28}

Ground Zero that the community itself began to self-organise to respond to the disaster in a way that the civil contingency system and those in command of it failed to do.³¹⁵

[B.] RESPONSE

5.11. SOMETHING OUT OF NOTHING: When the state failed to act BSR started acting themselves.

In so acting, what the guidance calls resilience, one of our clients, Hisam Choucair, has called ‘trying to build something out of nothing’. If resilience means anything it was evident in the self-organization of this community in crisis intervening to help itself where the state had failed it. In the end, by way of a new beginning, ‘resilience’ came down to the people and the place they were in.

5.12. COMMUNITY: North Kensington has long standing traditions of social activism and association both within its geography and beyond. RBKC may not have been engaged and properly networked into this community, but many others were. This was reflected in a review of the voluntary sector response to the Grenfell Tower fire carried out by Muslim Aid after the fire.³¹⁶ It noted that a voluntary sector presence in the Notting Dale area could be traced back to the 1860s when the churches that in June 2017 gave refuge to BSR, such as St Clement’s and St Francis of Assisi, were founded, and how Rugby and Harrow public schools had set up the clubs in the 1880s that BSR had used. Activism is part of the social fabric as evidenced by the current community leadership of the Westway Trust and its history, once a campaign against the building of the by-pass in the 1960s, now an organisation with 80 affiliated organisations.³¹⁷ The North Kensington Law Centre also opened in 1970, was the first of its kind in England. The area is one of the most multi-cultural in the country and it also has a history of resistance, which reflects in one strand of what gave rise to the Notting Hill Carnival. It has long been a home to migrants, as reflected in the background of many BSR families. The Al Manaar Cultural Heritage Centre set up in 2001 now welcomes 2,000 worshippers at Friday prayers.³¹⁸ All of this is indicative of a powerfully well-connected community that in crisis came to its members’ aid.

5.13. LOCAL ENGAGEMENT: That puts into context why one of the most valuable rest centres in the immediate aftermath, Rugby Portobello, was community self-made. RPT became one

³¹⁵ Le-Blanc {IWS00001271/27 §247}, Gashaw {IWS00001738/25 §25} Pahlavani {IWS00001244/15 §44}

³¹⁶ Mind the Gap: A Review of the Voluntary Sector Response to the Grenfell Tragedy (Muslim Aid, 2018) {LFB00119228/10-11}

³¹⁷ <https://www.westway.org/about-us/history/>, <https://www.westway.org/about-us/our-member-organisations/>

³¹⁸ Sayed {CFV00000043/2 §§4-5}

of the principal hubs for BSRs because members of the community (from the El-Wahabi extended family), who were still waiting to see if relatives were alive, knocked on the caretaker's door because they had nowhere else to go.³¹⁹ RPT's significance as immediate sanctuary, although on no RBKC planning list,³²⁰ is that it was known and trusted before the fire by both adults and children.³²¹ The organisation thereafter was not provided with any meaningful assistance by the state, as was the case with the many other local organisations that supported BSR in the aftermath.³²² The value and insight that community organisations could have brought to the official response continued to be overlooked by the authorities, omitting them from the Humanitarian Assistance Support Group ('HASG') meetings,³²³ despite recommendations to do so,³²⁴ and failing to ask them to provide Humanitarian Assistance Impact Assessments.³²⁵ As a result, voluntary sector organisations were left to themselves and each other to devise practical solutions to mitigate problems caused by the absence of the state, such as around the lack of communications and initially the management of donations.³²⁶

- 5.14. GRENFELL UNITING: What eventually turned into Grenfell United began very soon after the fire when in the absence of the state providing essential services residents resorted to undertaking such roles themselves. In RPT from the first morning, BSR started making their own lists of survivors and missing persons and set up a WhatsApp group for essential single line communication amongst themselves.³²⁷ From these lists and texting groups, meetings organically started to occur, then evolved in more formal ways in order for BSR to fill for themselves the humanitarian gaps that they were individually and collectively experiencing.³²⁸ These are the circumstances in which, for example, Grenfell United

³¹⁹ Ghamhi {IWS00001706/3 §§17-18}, Hanan Wahabi {IWS00001146/8 §25}: see also Simms {CFV00000005/4 §§19, 22, 75}

³²⁰ {RBK00048005}

³²¹ El Ogbani {IWS00001746/6 §§26, 35-37}, Chiapetto {IWS00001780/4 §15}, Sadafi {IWS00001806/5 §16}

³²² Simms {CFV00000005/17 §79}, Richards {CFV00000012/19 §§129, 136 154}, Blanchflower {CFV00000045/4 §14}, Abdulrahman Sayed {CFV00000043/4 §17}, Bedford {IWS00001652/10 §§38-39}.

³²³ HASG meeting minutes: 15 June {LFB00119283}, {RBK00010656}; 16 June {GOL00001089/7}; 17 June {GOL00000953/3}; 18 June {GOL00000914/5}; 20 June {GOL00000763/5}; and 23 June {CLG00006778/4}

³²⁴ {RBK00019977/3 §19}

³²⁵ {CLG00010452}. These were to be submitted to the tri-borough public health team {RBK00035312/6 §26}.

³²⁶ {CFV00000012/3 §18, §31} {CFV00000045/7 §25}. By the 18 June, the CJC was still experiencing problems with managing donations arising in part from RBKC's communication on this {CFV00000014}. See also Bedford regarding the failure to manage spontaneous volunteers and donations {IWS00001652/8 §31}

³²⁷ E.g. J. Dainton {IWS00001804/19 §120-122}, Ignatio {IWS00001820/12 §61} Burton {IWS00001661/29 §153}, Sadafi {IWS00001806/5 §§16-20}, Thompson {IWS00002110/32 §116}

³²⁸ T Alves {IWS00001749/13 §§61, 72}, Burton {IWS00001661/29 §154}: see in detail Sadafi {IWS00001806/8 §§19-57}

emerged, with designs to aid the BSR recovery and, with its key aims “*To keep the community together. To provide support to one another in rebuilding lives. To seek justice and accountability. To honour the memory of those who died.*”³²⁹

VI: CONCLUSION

- 6.1. Some fatal events become part of everyone’s history and some are remembered only by those who survive them. Grenfell Tower falls into the first category; although each victim, including those more hidden, continues to live privately with this very public event that has been that way since the television and social media footage showed it happening in real time. Although it bears no comparison to BSR experience, many of the British public and beyond were appalled by the images and reporting that both a fire and aftermath of this nature could occur in a modern capital city in a democracy governed by the rule of law. However, the disaster did not strike randomly. It impacted on a community more marginalised in their power to prevent it; and less well-resourced in their range of options to endure it, whatever community resilience they were able to deploy in its wake.
- 6.2. As feared by Mark Sedwill Grenfell absolutely did become “*our New Orleans*”,³³⁰ but unlike Hurricane Katrina, there can be no doubt that the causes of the fire were *made* by people and organisations. Yet, just like Hurricane Katrina there was nothing natural about the extreme adverse impact of the disaster on its victims in its aftermath. That impact was caused by the system of localist and deregulated governance of civil contingency that derived from decisions that Central Government had made. The failure of that system might have then been noticed sooner and the response scaled up and integrated into Central and London Government command, but the delay at the BSRs’ expense was caused not only by incompetence but also by the cultural attitudes of those who held power over them. No right thinking person should think it could be fair, effective, or indeed humane, to allow actors and agencies implicated in a disaster to lead on its response (Government departments or not); or for RBKC’s Chief Executive to not ask for LLAG’s help, because it would “*look like we can’t cope*”; or for DCLG to think that same Chief Executive would be a reliable Gold Commander in Disaster Management because he once used to work in the Treasury.

³²⁹ Sadafi Ex. SS/2 {IWS00001812}

³³⁰ 17.06.2017 23:47 {CLG00008749}

6.3. This discrete Inquiry module on aftermath is therefore important in terms of improving emergency response and recovery in the future, but it also provides further insight into why the disaster occurred and what might prevent its repetition. Experts with their scientific knowledge and governments seized with practical programmes and technologies must improve what they do; but expertise and government – central and local – are not neutral. They reflect values and cultures. They are the product of practices, economics, laws, and policies. They can also be dominated by sometimes small numbers of people with considerable influence because decisions are made in closed leadership groups that are largely self-justifying. That is not a problem exclusive to the incubation of Grenfell as a disaster waiting to happen, but, both the fire’s cause and its aftermath demonstrate something awfully awry about the way power is both deployed by those who hold it and informed by those who advise on it. When the Inquiry comes to make recommendations it needs to consider how these systems, which allowed the fire to take place and failed to mitigate its impact, can be subject to better oversight and control, but there must also be a root and branch cultural shift amongst those who govern.

DANNY FRIEDMAN QC & IFEANYI ODOGWU

BHATT MURPHY, BINDMANS, HICKMAN & ROSE, HODGE JONES & ALLEN

30 March 2022