

GRENFELL TOWER INQUIRY

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

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I: INTRODUCTION

[A.] SOCIAL QUESTION

- 1.1. If the subject matter of democratic government is the people then the Phase 2 evidence demonstrates something profoundly wrong that residents and bereaved of Grenfell Tower and its walkways were left so exposed in both the origins and the aftermath of this fire. While the closing parts of this Inquiry must therefore conclude on what is needed to better regulate the built environment and the emergency response to its fragility, the study of the fire's aftermath raises an equally important question of this disaster: *how can we make democracy more social?*

[B.] OVERVIEW

- 1.2. The Module 4 evidence reflects on that question through the five lenses of (1) people, (2) community, (3) borough, (4) city and (5) state. Through those lenses (outlined in PARTS II-VI BELOW) the BSR challenge the absence of (a) respect for human dignity as an overriding societal value, (b) real community engagement as a primary goal of all levels of government, (c) effective governance for the wellbeing of cities, and (d) human and social concern at the heart of state. From this the following conclusions can be drawn. First people were resilient but the acts and omissions of government often made them vulnerable. Second there was a practical and moral collapse of local government for reasons foreshadowed in pre-fire governing relations. Third whatever its improved contribution to recovery, an improvised London command structure took power on the barest of legal foundations. Fourth the modern discourse and practices of civil contingency – and particularly its core features of ‘subsidiarity’ and ‘resilience’ – can have profoundly anti-social consequences.

II: PEOPLE

[A.] HUMAN ACCOUNTING

- 2.1. ‘WE ARE PEOPLE’: The accusation that the BSR make is that the system did not care about them. Consider Hanan Wahabi’s declaration “*We may be different, we may be diverse, but we are people... We are human beings*”.¹ Mahmoud Al-Karad urged “*I am human... I have feelings*”.² Mohammed Rasoul had learned that those in power “*don't care about their*

¹ Wahabi {T267/137/25-139/2}

² Al-Karad {T265/131/23-132/4}

constituents, [because] they can't relate to them".³ Fatima Boujettiff "felt like when I'm looked at or when I go to ask for help, I am made to feel that: you can do it by yourself".⁴ Hanan Cherbika and those on Grenfell Walk discovered "...we did not matter, because we didn't come out of the Tower and we didn't lose anybody".⁵ Mouna El-Ogbani found "no understanding...no empathy or sympathy...no...culture"⁶ and what she wanted was for "people... to be taken seriously and treated with dignity and respect".⁷ Karim Mussilhy told the Inquiry "... the system isn't broken; it was built this way...".⁸ He spoke to broader society when he said: "People need to see themselves in us. People need to understand that what's happened to us and what happening to us is also happening to them".⁹

[B.] DESIGN

- 2.2. PEOPLE DON'T EXIST: These are criticisms of contemporary bureaucracy that should be taken seriously as systemic problems and not just the neglect of a rogue Borough. One of the key gaps in the copious central and local government emergency planning documents is that they do not speak of 'people'. They mention categories of vulnerable persons, voluntary community sector and faith groups, and essential services, but they do not reflect upon the qualities of people or everyday groups of people.¹⁰ This absence of basic human accounting flows down through the rest of the emergency system.
- 2.3. SUBSIDIARITY: The regime (we are repeatedly told) relies on 'subsidiarity':¹¹ i.e. "*the principle that decisions should be taken at the lowest appropriate level, with coordination at the highest necessary level*" and by which local agencies function as the "*bottom up.... building blocks of response*".¹² Subsidiarity is therefore a species of localism.¹³ Its cost – identified clearly in this Inquiry – is that despite its theory of integrated management between different levels of society from "*lowest*" to "*highest*" the last rung of subsidiarity

³ Rasoul {T265/176/7-20}

⁴ Boujettiff {T266/74/12-21}

⁵ Cherbika {T266/94/18-21}

⁶ El-Ogbani {T266/43/19-25}

⁷ El-Ogbani {T266/50/6-12}

⁸ Mussilhy {T264/102/24-103/4}

⁹ Mussilhy {T264/103/11-16}

¹⁰ See. e.g. Cabinet Office, Human Aspects in Emergency Management {CAB00004639/7-8} Cf. Anne Eyre, Literature and Best Practice Review and Assessment: Identifying People's Needs in Major Emergencies in Humanitarian Response (DCMS 2006) {GOL00000913} that no longer sits within the CSS core suite of guidance: see Hammond {CAB00014764/2 §8} {CAB00000010} and Cabinet Office M4 Written Opening {CAB00014866/3 §15}

¹¹ Cabinet Office, M4 Written Opening {CAB00014866/3 §6}

¹² Hammond {CAB00014764/3 §11} Emergency Response and Recovery {CAB00004519/14 and 18}

¹³ T1 M6 FRS Addendum Closing {BSR00000194/1-2 §§1.1-1.2}

– the public and the people – was not integrated into the system at all.¹⁴ Without investment in meaningful prior community engagement and networking they never could be. In the absence of such engagement subsidiarity theory divorces bureaucrats and politicians from real life and lessens accountability. A powerful example of this, from the highest level of the civil service, is that before the fire central government gave no thought to the fact that following a disaster, mass displacement could have a disproportionate effect on lower income socio-economic groups; it was not considered in its compilation of a national risk register or lead department planning.¹⁵ Once in the midst of disaster no one at the centre of the state considered it an obvious problem that the local authority who owned the building, and was therefore primarily responsible to account for its lack of fire safety, was left to lead on response and recovery for its bereaved and surviving residents.¹⁶ Subsidiarity is to civil contingency what Stay Put is to fire and rescue. It's a design feature that was allowed to become imprisoning as an article of faith.

2.4. RESILIENCE: A further problematic concept that runs across the documents is 'resilience'.

Dictionary definition refers to the innate capacity in nature, physics or psychology to rebound or spring back. Resilience could serve as a marker of the power and creativity of humans to respond to adversity especially in communion and with external public sector support. However, the Cabinet Office definition of resilience refers to the "*ability of the Community, services, area or infrastructure to detect, prevent, and, if necessary to withstand, handle and recover from disruptive challenges*".¹⁷ Its relevant levels (including its proper noun "*the Community*") do not include individuals, the public or normal community life. There is no clear relationship between resilience as a management tool and the society it is designed to protect. Hence resilience is essentially reserved for formal organisations, structure and services.¹⁸ As community sector involvement in emergency planning was chronically underdeveloped (see PART III BELOW) what is generally referred to in these documents is really resilience *of the state*. Those who cannot be resilient due to poverty or disability are lumped under a catch-all of the "*vulnerable*". No account is given to how inequality structurally determines vulnerability. Resilience in the lexicon of Civil

¹⁴ Cf. Hammond {CAB00014764/3 §10}

¹⁵ Hammond {T280/122/7-124/11} Dawes {T285/39/4-43/4}: both relying heavily on subsidiarity

¹⁶ Farrar {T284/6/6-7/14} Hammond {T281/2/2-3/5} Dawes {T285/68/25-69/25} Cf. Hurd {T282/208/7-10}

¹⁷ Emergency Preparedness (Glossary) (2012) {CAB00004626/23} Emergency Response and Recovery (2013) {CAB00004519/229}: see also Dealing with Disaster (2003) (Revised Third Edition) {HOM00042013/9 §1.1}

¹⁸ Drury et al *Representing crowd behaviour in emergency planning guidance: 'mass panic' or collective resilience* (2013) 1 Resilience 18-37, 30

Contingency speak, despite its natural and human science origins, is not about inner capacity, or anticipated to be something that will flourish on its own.¹⁹ It's a governing ethos.

[C.] CONTROL

2.5. ELITE PANIC: This tendency to treat resilience as a technical matter of state overlays continuing mistrust of ordinary people in times of crisis as maladaptive, weak, inclined to panic, and ultimately in need of control.²⁰ The issue particularly arises in the study of the Grenfell aftermath because of state fear about disorder and unrest. At the fire and in the days thereafter, BSR were repeatedly treated as a security threat rather than people in need. What Karim Mussilhy and others witnessed were the authorities “*more concerned about an uprising or unrest than they were about looking after families*”.²¹ For Tomassina Hessel Council officers hiding badges and not wearing of lanyards illustrated how residents were perceived “*as dangerous and a threat*”.²² Police risk assessments expected that publication of the final death toll would increase “*community tension...especially when the majority of those affected are believed to come from a Muslim background*”.²³ For several days the Westway remained a site of intimidation rather than refuge with considerable police presence and even armed guards.²⁴ This is the context for Central Government panic about needing to “*get a grip*”.

2.6. FALSE NARRATIVE: However, before Central Government intervened, RBKC deliberately developed a false narrative against local residents as agitators with agendas.²⁵ Witnesses at different government layers disavowed the charges as speculative and irrelevant in their evidence to the Inquiry;²⁶ but at the time no one actively questioned the claims. In that way “*civil unrest*” was documented as an official explanation for delay in moving from

¹⁹ Frank Furendi, *Invitation To Terror, The Expanding Empire of the Unknown* (2007) pp 17-19, 180-185

²⁰ Cf. Eyre, *Best Practice Review and Assessment* {GOL00000913/20-25}, David Alexander, *Early interventions in War and Disaster* {GOL00000948/19-21}, Drury *Representing crowd behaviour in emergency planning guidance*, fn.18

²¹ Mussilhy {T264/22/22-23}: see also Mussilhy {T264/36/13-14} {T264/34/6-24} {T264/40/3-21} H. Choucair {T265/9/7-11} Al-Karad {T265/96/14-23} Daffarn {IWS00002109/119 §364}

²² Hessel {IWS00001645/9-10 §37} Moses {IWS00001276/9 §67} Dagnachew {IWS00001742/33 §29}

²³ MPS Community Impact Assessment: Grenfell Tower (entry for 18.06.17) {RBK00039163/15}

²⁴ Richards {T275/150/10-19} Hardy {T276/10/9-22} Spragg {T280/40/8-41/1} Lewis {BRC00000037/16 §56}, Adamson {BRC00000075/22 §§100-101}

²⁵ T1 M4 Opening {BSR00000186/16-18 §§ 3.6-3.7}

²⁶ Farrar {T284/73/9-13} {T284/81/6-83/3} (finding the comments that residents were making things worse made by Holgate in the call on 15 June at 12:30 {CLG00008140} as “*odd*” and “*surprising*”) and Dawes {T285/126/10-18} (depicting them as “*defensiveness*” and a “*siege mentality*”): see also Holgate {T273/194/2-24} (accepting in hindsight that comments in SCG minutes on 16 June at 11:00 {MOL00000036/2} were based only on “*suspicion*”)

response to recovery. That is the reference that John Hetherington provided for delayed handover on the evening of 15th June.²⁷ On the same date, Holgate told Farrar that several Grenfell residents (with their trail of letter writing) “*could make this worse than it is and the council is worried that they might need assistance from the police*”.²⁸ Despite all of the tortured overnight diplomacy about activating London Authority Gold, the SCG meeting at 11:00 am on 16th June still formally logged the delayed transition to the ‘recovery’ stage as caused by “*ongoing community tensions*” when it was actually delayed because RBKC was incompetent, incapable and resistant to external takeover, and regional and central government incapable or unwilling to force the issue.²⁹

2.7. ‘GRIP’: The repeated references of state actors across Whitehall and London wanting to “*get a grip*” are part and parcel of elite panic.³⁰ Grip is not a government term of art.³¹ Its use reflects a governmentality in which real engagement with people as opposed to managing, ordering or controlling them, had no real prior thought or practice. Irrespective of intent, ‘*gripping*’ is more about power than welfare; and again not truly about people. It reflects the continuing legacy of the Emergency Powers Act 1920, a precursor to the Civil Contingencies Act 2004 (‘CCA’) which repealed it,³² that was only *ever* used to control industrial action.³³ In the post-Brexit electoral maelstrom of June 2017 it also spoke to fears of broader collapse of social control. The absence of grip was seen as a threat to national security; and caused the national security adviser to reflect on New Orleans and its long-term damage to the reputation of US federal and state government.³⁴

²⁷ Hetherington-Cameron 18:11 15 June {LFB00061233} (on “*civil unrest*”) and Hetherington {T278/15/2-22} {T278/30/4-31/4} (on “*complexity*”) {T278/34/13-35/13} (on City Hall concerns about RBKC)

²⁸ Farrar-Holgate 12:30 15 June {CLG00008140}

²⁹ SCG 11:00 16 June {MOL00000036/1§1.1} Cf. Holgate {T273/193/4-194/1} (downplaying that reason)

³⁰ 43 instances on Relativity: e.g. Heywood-Dawes 09:12 15 June {CLG10009750} Richardson-Farrar 15 June {CLG00030412/22 §80} Dawes-Heyward 20:00 15 June {CLG10009757/2} MacNamara-Richardson 08:23 16 June {CLG00008227} Gratton-Dawes 19:37 16 June {CAB00005727} Tallantire-CSS 11:21 19 June {CAB00002833/1} Paget-Brown 19 June {RBK00028007/2}: see also Tallantire {CAB00014769/5 §23} {CAB00014830/8 §24} MacNamara {CLG00030440/6 §21}

³¹ Hetherington {T278/4/12-5/23} Hammond {T281/50/14-51/19} Holgate {T273/147/7-20} Barradell {T279/79/ 16-80/1} Hurd {T292/204/15-24} Dawes {T285/214/4-14}

³² CCA 2004, Schedule 2, Part 2, s.11

³³ Clive Walker and James Broderick, *The Civil Contingencies Act 2004, Risk, Resilience and the Law of the United Kingdom* (Oxford, 2006) §§2.15-2.16 pp 39-40

³⁴ Sedwill-Dawes 23:47 17 June 2017 {CAB00011997}

[D.] EQUALITY

- 2.8. DENIAL: The Grenfell aftermath showed the present system to be in denial about the effect of socio-economic and other inequality on peoples' capacity to withstand disaster.³⁵ As a governing ethos the theories of resilience and subsidiarity serve that oversight. First, none of the Cabinet or London documents as of 2017 referred to the Equality Act 2010, but instead made general references to vulnerability.³⁶ When Cabinet Office personnel assume that equality law was to be discharged locally,³⁷ they overlook that the duty to take into account socio-economic disadvantage contained in Section 1 of the Equality Act has never been brought into force by the post 2010 governments.³⁸ Second, as to other in-force protected characteristics under the Act, including race, gender, age and disability, which often intersect with socio-economic inequality, Central Government ought to have known that the public sector equality duty ('PSED') to have due regard to such matters - including promoting positive relations - has simply not embedded in public authority culture. Indeed, CSS breached its own PSED in failing to press the point; just as London Resilience failed to embed a PSED discipline as part of its minimum standards.³⁹ Third, at the local level, knowledge of the detail of the equal treatment requirements in the Equality Act and their disciplined application to emergency planning did not exist despite the powerful indices in the population of Grenfell Tower and North Kensington to make it a priority.⁴⁰
- 2.9. DISCRIMINATION: Without exception the evidence before this Inquiry in every module it has conducted is that breach of the PSED is the norm.⁴¹ The default privileged answer to the equal treatment questions put by CTI throughout Phase II has never done more (and often less) than articulate a general need to think about the vulnerable and otherwise prevent intentional abuse.⁴² That is not a way to combat discrimination. It signifies

³⁵ Alexander, *Early Interventions in War and Disaster* {GOL00000948/19}: "Nearly always it is the poor and already disadvantaged who suffer most. They have poorer accommodation; less access to support and resources, and their resilience may already have been compromised by concurrent demands and stressors."

³⁶ MacFarlane {CAB00014862/3-5 §10-14}

³⁷ Hammond {T280/123/19-1124/11} {T280/136/8-137/10} MacFarlane {CAB00014862/2 §§6-7, 16-17}

³⁸ Equality Act 2010, s. 1 provides: "An authority to which this section applies must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage."

³⁹ Cf. National Resilience Standards (2018) (Version 2: 2019) {CAB00014805/11} and accompanying London Resilience Standards Resilience Standards for London {LFB00119211/ 25-26} that only now refer to PSED

⁴⁰ Kerry {T269/207/6-211/13} and for Borough statistics {RBK00036688/5}: over 1/5th of all households have a first language that is not English; fewer than half of all residents (48%) were born in UK ; 28% of residents were arrivals to UK between 2001-2011; second highest London Arab residency (4%)

⁴¹ BM M3 Closing {BSR00000084/23-32 §§3.34-3.54} T1 M5/6 Closing {BSR00000098/49-51 §§3.13-3.14}

⁴² E.g. for M3 see Noble {T119/28/14-29/5} {T119/35/9-36/7}, Brown {T126/149/14} Jevans {T127/167/16-168/3}, Bartholomew {T120/115/14-20} (Cf. Feilding-Mellen {T132/31/2-10}, Paget-Brown {T133/79/11-20} L. Johnson {T129/116/20} and A Johnson {T131/40/11-41/2} who assumed TMO discharge of the PSED);

incompetency to prevent it. With regard to social housing and race it also screens out that vast proportions of allocated residents are now of immigrant and non-white backgrounds, particularly in London.⁴³ As victims of a disaster that was neither economically indiscriminate nor colour blind, BSR have to bear that inequality. Again consider what they mean when they say “*We suffer, and they prosper*”,⁴⁴ that they experience “*second class*” exclusion as if “*refugees*” in their own country,⁴⁵ and that they cannot escape the conclusion that “*had our community lived in a different part of the borough, on the more affluent side, had we been from a different class, had we been less ethnic, the response in the aftermath would have been immediate. It would have been present. It would have been felt*”.⁴⁶ These are not just opinions. They are factual descriptions of a concrete situation. That is why BSR have pressed for enquiry on how discrimination impacted on this disaster. As an overwhelming African, Middle East and Caribbean resident population, many with intersecting lower incomes and disabilities, they have suffered because of those features not necessarily and always out of bad motive, but *always* out of a failure of human accounting.⁴⁷

[E.] HUMANITY

- 2.10. ILL-TREATMENT: The experience meted out on BSR in the first period of the aftermath response was inhumane. It treated people as numbers not humans, herding them like “*cattle*”, ticking boxes about them,⁴⁸ ignoring them as victims,⁴⁹ requiring them to continuously relive their trauma to access services,⁵⁰ containing their anger and pain and even resenting it.⁵¹ More than anything, the treatment of BSR was registered as

for M5/6 see Brown {T206/109/2-110/25} George {T205/45/15-48/8} Smith {T203/20/22-22/15} {T203/22/16-24/6} {T203/21/7-22/15} Upton {T248/13/11-14/6} {T248/17/17-18/6} Martin {T255/182/22-185/3} Roe {T212/202/24-203/5} {T212/210/22-211/21}

⁴³ In London, White British households were less likely to rent social housing than households from all other ethnic groups combined: Gov.uk ‘Renting social housing’ statistics (February 2020): <https://www.ethnicity-facts-figures.service.gov.uk/housing/social-housing/renting-from-a-local-authority-or-housing-association-social-housing/latest#by-ethnicity>

⁴⁴ Mussilhy {T264/103/1-2}

⁴⁵ Rasoul {T265/160/15-16}; see also Wahabi {T267/138/11}

⁴⁶ Wahabi {T267/138/12-17}

⁴⁷ T2 Oral Submission {T16/1/23-4/15}; see N. Choucair {T267/37/14-38/4} H. Choucair {T265/79/3-6}

⁴⁸ Wahabi {T267/111/13-15} Lukic {IWS00001760/9 §32}

⁴⁹ For a powerful account of Channel and Kenita Spence struggling alone across several days to establish that Gary Maunders was visiting the tower and the lack of proper engagement over the fate of their uncle, see Spence {IWS00001657}

⁵⁰ El-Ogbani {T266/46/2} Cherbika {T266/91/2} {T266/109/9-19} {T266/117/9} Cf. the response of the voluntary sector: Cherbika {T266/113/25-114/9}, H. Choucair {T265/59/1}, Al-Karad {T265/126/19-127/17}, Rashida Ali {T264/181/15-24}; see also Richards {T275/151/2-21}

⁵¹ Boujettiff {T266/65/9-24} provides an emblematic account of an official in the Westway who was “very rude...very condescending...” advising her that “*if I wanted an update, I would need to look at the news which,*

abandonment when all aspect of their human geography had been lost (neighbours, family, friends, homes, possessions, and means of access to the rest of life).⁵² In this raw state bereft of what Kai Erikson calls the ‘furniture of the self’⁵³ the capacity to withstand the fire’s trauma was further diminished; with acts and omissions of government positively undermining personal resilience. For Zakaria El-Sawy, this “*made us feel like we didn’t matter and didn’t deserve to be treated with dignity*” and for him like others that is a trauma that is difficult to forget.⁵⁴

- 2.11. GOVERNMENTALITY: While aspects of the civil contingency system at each level of government are to blame for these outcomes, there is also a bureaucratic mentality in an era of diminished state connection to society that lacks empathy and human responsiveness. This is particularly so towards people seen as recipients of increasingly residual state services, such as social housing. Everyday moral restraints make it hard for people, especially public servants, to admit to inhumanity; indeed to comprehend that inhumanity is not restricted to ‘bad people’. The ethics philosopher Jonathan Glover identifies such moral restraints as (1) the ‘human responses’ (sympathy for other people and respect for their dignity) and (2) ‘moral identity’ (roughly I am not the kind of person that does inhumane things).⁵⁵ By contrast the psychological patterns underlying inhumane practices are that actors’ moral restraints become neutralised, anaesthetised, or otherwise compromised. Examples of this in the Inquiry evidence include the following: (a) The various RBKC and TMO officers who still see themselves as victims.⁵⁶ (b) Laura Johnson who placed people in hotels – presiding over the movement of bodies and things – but had no regard to what that would mean for the wellbeing of recovering people and families.⁵⁷ (c) The London Resilience hierarchy taking Nicholas Holgate’s assurances at face value

coming from an RBKC representative, is pretty much normal, having that feeling of: you're not priority...it felt worse because of the moment, but it wasn't a new experience”.

⁵² Mussilhy {T264/27/7-12} {T264/34/20-24} Thompson {T264/112/19-113/5} El-Ogbani {T266/38/8-19}, Sadafi {T267/47/3-7} Lamprell {T264/189/5-13} Temesgen {T264/209/25-210/2}

⁵³ Kai T Erikson, *Everything in its Path, Destruction of a Community in the Buffalo Creek Flood* (Simon Schuster 1976, reissue) p. 174-177 describing the home “*an extension of self, a source of identity...not just an outer shell in which one lived out one’s life but a major feature of that life*” and finding that “*to lose a home or the sum of one’s belongings is to lose evidence as to who one is and where one belongs in the world*”.

⁵⁴ El-Sawy {IWS00001822/10 §45}: see also Wahabi {T267/112/12-113/3} Daffam {T118/242/20-243/3}

⁵⁵ Jonathan Glover, *Humanity - a Moral History of 20th Century* (Yale, 2nd Edition, 2012) Preface xix

⁵⁶ Holgate {T273/194/2-24} {RBK00043005/1} Johnson {T272/162/5-24} Black {T275/97/1-98/14} Brown {T274/214/20-216/8} Redpath {RBK00035401/11 §32} Paget-Brown {RBK00029243/5}

⁵⁷ Johnson {T272/117/10-12} {T272/120/10} {T272/133/13-17} {T272/141/23-142/18} Johnson {RBK00035592/12 §47} Cf. e.g. Wahabi {T267/109/16-110/6} {T267/116/10-117/9} {T267/113/13-24}, El-Ogbani {T266/18/1-20/1} Cherbika {T266/101/3-102/3} {T266/102/19-103/12} Al-Karad {T265/116/6-13}, Rasoul {T265/157/2-159/8}: see also T1 M4 Opening {BSR00000186/37-38 §§5.6-5.7}

without independent assessment.⁵⁸ (d) DCLG being too ready to give RBKC the benefit of the doubt because they were effectively ‘guys like us’.⁵⁹ (e) Katherine Hammond remaining essentially non-committal about the failure of the civil contingency framework at Grenfell;⁶⁰ and seeing the problem as Council dysfunction and the solution as moderate resource development to improve situational awareness.⁶¹ (f) Melanie Dawes likewise not seeing the aftermath as a further nadir of localism that made her department just as compromised in its handling of response as RBKC was on the ground.⁶² Finally (g): when Nicholas Holgate protests that it was not part of his “*make up*” to refrain from invoking Local Authority Gold for the undisputed reason in the log - “*That looks like we can’t cope*”⁶³ - what he really means is ‘*I am not the kind of person who would want to be seen as refusing help for reputational reasons*’. However, out of arrogance and a defensiveness that is just what he did with an inhumane outcome.

- 2.12. DIGNITY: Features of the lack of human accounting at Grenfell have been belatedly recognised in some quarters. The British Red Cross in self-described soul-searching of its own shortcomings has advocated for “*a human-centred response[that] requires all of us to develop new approaches to empower and put people and communities at the heart of emergency response*”.⁶⁴ A wholesale independent review of the Civil Contingency system published in March 2022 (led by Bruce Mann one of its original architects) has adopted BRC’s ‘Putting people first’ core principle, which the review summarises as “*extending emergency planning as a matter of routine into the identification of the consequences for people, taking account of the different vulnerabilities of different groups in each area, to provide the basis for developing a fuller and more detailed assessment of their potential needs*”.⁶⁵ Nicholas Hurd’s final reflection to this Inquiry was to identity the imperative for the state to think differently about “*the critical distinction of doing things with people rather than doing things to people*”.⁶⁶ Hurd and others who have worked on recovery with

⁵⁸ Barradell {T279/48/17-49/15} {T279/218/2-8} Sawyer {T278/114/19-116/1}

⁵⁹ Dawes {T285/62/13-17} Farrar {T284/31/17-33/19} {T284/39/7}: T1 M4 Opening {BSR00000186/26 §4.4}

⁶⁰ Hammond {T281/221/16-222/12}

⁶¹ Hammond {T281/166/7} {T281/168/23-169/6} {T281/210/7-13}

⁶² Dawes {T285/212/24-213/13}

⁶³ Priestley {RBK00013318/1-2}: Cf. Holgate {T273/69/7-73/20} {T273/222/5-18}

⁶⁴ BRC Harnessing the power of kindness for communities in crisis – Towards a more effective response to emergencies in the UK - Learnings from 2017 {BRC00000066/6}: see also Adamson {T276/169/7-18}

⁶⁵ National Preparedness Commission: An Independent Review of the Civil Contingencies Act and its supporting arrangement (March 2022) (‘National Preparedness Commission Review’) {INQ00015154/9 §1}: see also {Rec. 7 p. 34}

⁶⁶ Hurd {T282/209/23-210/5}

BSR in the longer term have experienced collaboration with local people and everyday community in a more genuine relationship of equals.⁶⁷

III: COMMUNITY

[A.] UNDERDEVELOPMENT

- 3.1. ANCILLARY: Like people, actual communities were relatively unaccounted for in the system of civil contingency. As of 2017 ‘resilience’ in the governing documents remained an attribute or expectation reserved for formal organisation and structure. It was not an attribute ascribed to the public, the crowd or everyday communities. There is a reference in the Cabinet Office official lexicon to “*community resilience*” defined as “*communities and individuals harnessing local resources and expertise to help themselves in an emergency, in a way that that compliments the response of the emergency services*”.⁶⁸ However that concept was aspirational,⁶⁹ with no duty, standard or process outlined in the documents to develop its notional qualities. Similarly, the Cabinet Office advised (as of 2015) that “*recovery management is best approached from the perspective of community development ...with the active participation of the affected community*”; but again without detail on how to develop this participation.⁷⁰ Hence before Grenfell Tower government recognised that the prospect of reaching into the social capital of “*communities themselves*” remained at best a recognised “*untapped resource*”.⁷¹
- 3.2. OUTDATED FRAMEWORK: The framework under the CCA 2004 and its regulations (‘CCR 2005’) limits the reach of the system into communities in two main ways that now seem profoundly outdated. First communities are not mentioned at all. Second in so far as community interests are potentially catered for by reference to the ‘voluntary sector’, which CCA s. 2(5)(k) designates as “*the activities of bodies (other than public or local authorities) whose activities are not carried on for profit*”, there is only a requirement to “*have regard*” to such actives.⁷² CCR reg. 23 adds no more than that Category 1 responders must “*have regard to the activities of voluntary organisations*” that are relevant to emergencies in their geographical area, even if such organisations carry out other activities

⁶⁷ Hurd {T282/210/6-19} Barradell {T279/218/21-25} Sawyer {T278/202/16-203/23}

⁶⁸ Emergency Response and Recovery (2013) {CAB00004519/219}

⁶⁹ Provided only as an example of Emergency Preparedness (2011) in Ch. 7 Annex 14A {CAB00004597/21}

⁷⁰ Cabinet Office ‘The Role of Local Resilience – A Reference Document’ {LFB00061161/53-54}

⁷¹ ‘Resilience 2020 – The Role of Individuals and Communities’ (Home Office, 2015) {HOM00030662/1 §2}: the paper emphasised “*Effectively utilising social capital to build resilience within communities — whether through existing networks or the creation of new ones — will be key to ensuring resilience mechanisms that are relevant, effective and sustainable*”

⁷² CCA 2004 s. 2(5)(k) {CAB00004616/4}

in the area.⁷³ The Guidance adds that such organisations (giving the example of faith groups) “*must be factored into local civil protection arrangements*” even if they have only “*a partial interest tangential to their main business*”.⁷⁴ By design, therefore, the subsidiarity regime allowed only for limited and mediated consideration of the ground level of community life. It assumed (somewhat at the risk of elitism) that established organisations like BRC, WRVS and faith groups, will act as the representatives of ordinary people as if they cannot represent themselves: i.e. *facilitating the doing of things to them rather than with them*. The development of community resilience, which could include relevant voluntary sector, but as part of a general recognition of civil society, did not exist under the 2017 regime.⁷⁵

- 3.3. RESILIENCE GAP: When Melanie Dawes, as previous Permanent Secretary to DCLG, ended her Module 4 evidence by emphasising the importance of “*local relationships and understanding of the community*” that was “*never quite harnessed and led and used by the council in the way that they could have been*” she failed to acknowledge the extent to which the present state of law allowed for that neglect.⁷⁶ Post-Grenfell review has recognised the damaging consequences of that gap in the system. The Riordan/May Peer Review of February 2018 underscored “*The importance of strong, effective and trusted relationships between councils and the communities they serve...*” that “*will make or break success at all stages of resilience — preparation, response and recovery*”. It recommended to “*Ensure boroughs recognise the importance of community resilience and have clear community engagement and liaison plans in place, with strong relationships across each sector, that are well connected to emergency arrangements*”.⁷⁷ The position is now reflected in the post Grenfell ‘Resilience Standards’ that require councils to have “*a strategic and coordinated approach to activity that enables individuals, businesses, community networks and voluntary organisations to behave in a resilient way and act to support other members of the public*”.⁷⁸ This is something that generally needs to be developed before an emergency (i.e. in the words of the BRC Director, Michael Adamson

⁷³ CCR 2005 reg. 23(1) and (3) {CAB00007003/13}

⁷⁴ Emergency Preparedness (2011) Ch. 7 {CAB00004597/4 §14.5}

⁷⁵ Resilience 2020 paper {HOM00030662/2 §4} recognising that with “*no statutory duty on LRFs or local authorities to deliver CR... CR is rarely a priority when local resources are stretched*”

⁷⁶ Dawes {T285/212/24-213/9}

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’) {LFB00061197/21 § 20(e)} and Rec. 4 {24} adopted in EP2020 Refresh (April 2018) rec. 6 {LFB00119157/3}

⁷⁸ Resilience Standards for London (June 2019) {LFB00119211/ 25-26} National Resilience Standards (2019) {CAB00014805/11}

“*make friends before you need them*”⁷⁹). However community engagement is not a duty in the Act or Regulations;⁸⁰ and despite recommended reform to make voluntary sector collaboration a mandatory requirement of partnership enrolment into local and national preparedness, the “*have regard*” formula remains in place.⁸¹ Indeed the evidence of voluntary sector witnesses to this Inquiry was that they were unaware of any attempts to involve them in resilience planning since the Grenfell Tower fire by RBKC or at a Borough Resilience Forum Level and their opinion was that without legislation the lack of engagement will continue.⁸² Sawyer could say no more than it was a “*work in progress*”.⁸³

[B.] OUTCOME

3.4. COUNCIL DISENGAGEMENT: All of the above is context for why the aftermath collapse of local government across Lancaster West was so profound (see further PART IV BELOW). Without a discrete duty the approach of the RBKC Contingency Management Team on this issue was to do nothing. In the system of self-assessment known as Minimum Service Standards for London, RBKC scored nothing in 2016 and 2017 on MSL3 3.2 “*Identification of local partners for the establishment of a local humanitarian assistance response.*”, which required a “*documented strategy in place for community resilience detailing a programme of multi-agency collaborative work with emergency responders, members of the public, voluntary and faith sectors*”.⁸⁴ The Council never had one.⁸⁵ David Kerry described such a standard “*as aspirational stuff*” that likely “*wasn’t on our agenda at the time*”. He could only recall that the diocese Church of England had been visited, as had its Catholic equivalent (but evidently not the obviously more relevant Al Manaar Cultural Centre in terms of access to the Muslim demographic of Grenfell Tower and Walkways).⁸⁶ The contact, for what it was, produced non-committal results leaving the Council without any comprehensive community resilience strategy and with near enough no connection to local people and groups.

⁷⁹ Adamson {T276/161/11}; see also Miller {CVF00000058/11 §23} (“*Curating relationships before you need them and ensuring that there are good local links increases community resilience very considerably*”)

⁸⁰ National Preparedness Commission Review {INQ00015154/12} Rec. 27 {37} recommends {12} “*that an amended Act or future legislation should include a new duty requiring designated local and national bodies to promote and support community resilience*”.

⁸¹ Cf. Adamson {T276/184/22-185/9} {T276/191/7-193/19} Clee {CFV00000059/13 §6ii}; see also National Preparedness Commission Review {INQ00015154/10} and Rec. 8 {35}

⁸² Richards {T275/175/21-176/10} Simms {T275/216/7-19} {T275/221/18-222/10} {T275/221/4-14}

⁸³ Sawyer {T278/190/24-192/9}

⁸⁴ Minimum Standards For London {LFB00119219/26}

⁸⁵ MSL Assessment (2016) {RBK00036770} MSL (2017) {RBK00033590}

⁸⁶ Kerry {T268/157/3-159/12} {RBK00036562/11} {T268/161/6-164/15} {T269/1/20-5/11}

3.5. LOCAL ENGAGEMENT: What occurred instead on 14 June was self-help community organisation. In the absence of organised places of refuge and information in the first days of the disaster the community created them. The key rest centres were *not* set up by the voluntary sector but the community itself.⁸⁷ In the middle of the night when promised buses did not come and people were desperate, without shelter or support,⁸⁸ BSR had to commission the opening of buildings known to them⁸⁹ while RBKC sent the Red Cross to places no one knew about with no RBKC staff in attendance.⁹⁰ When information was routinely taken from them by the authorities rather than given, BSR began to pool what they knew on social media groups and created their own lists.⁹¹ Volunteer organisations – especially Rugby Portobello and Clement James – willingly hosted, protected and facilitated recovery within these spaces, but they did not do it because RBKC asked them, or coordinated with them with any remote degree of partnership.⁹² Parts of the local voluntary community then supported BSR to represent themselves rather than represent them; and in doing that they did something more meaningful than the formal mediated role ineffectively assigned to their ‘sector’ in the legal framework. As Mark Simms put it, *“This response was human to human... We were looking – our community, the North Kensington community, was looking after its own people in the absence of anything coming from anywhere else, and that's really what happened, that people just got alongside other human beings and did what we could practically to support them at a really difficult time, and that was it, really. Local people looking after local people.”*⁹³

3.6. NEEDED OUTREACH: The Team 1 opening address talked of the need of literal outreach into the individuals and families of the Tower and estate to discover what was needed: to seek out in real time the likes of Hanan Wahabi, Edward Daffarn or Karim Mussilhy.⁹⁴ The responders were disempowered to do so *ex post facto* without having first integrated the community in its preparedness preplanning and strategy. BRC would reflect just that in hindsight that both the local government and the more established voluntary sector like

⁸⁷ T1 M4 Opening {BSR00000186/40-41 §2.3}

⁸⁸ Thompson {IWS00000158/10 §60} Daffarn {IWS00002109/119 §364} Hariri {IWS00001295/8 §29} Dagnachew {IWS00001742/6 §60}

⁸⁹ Ghamhi {IWS00001706/3 §§17-18} Wahabi {T267/99/21-100/9} J Dainton {IWS00001804/18 §116} Mussilhy {T264/19/2-10} Boudjettiff {T266/70/14-17} {T366/71/11-14}

⁹⁰ BRC Log {BRC000000051/4-5} Spragg {T280/23/8-29/3} {T280/31/25-34/3}

⁹¹ E.g. El-Ogbani {T266/38/5-39/7} Daffarn {IWS00002109/123 §378} Mussilhy {T264/46/7-47/20} Elgwahry {IWS00001757/11 §34}

⁹² Richards {CFV00000012/2 §§8-9} {T275/127/4-128/8} {T275/143/3-144/19} {T275/164-167/13} Simms {T275/205/8-206/2}

⁹³ Simms {T275/208/10-24}; see also his evidence to the GLA {MOL00000003/9} and {27-28}

⁹⁴ T1 Opening Oral Statement {T263/23/11-24/6}

itself should have initiated individual and community conversations far earlier. What was necessary was to have people whose role it was to engage with different places in a community and talk to different community leaders and different organisations even in the throes of crisis.⁹⁵ This absolutely meant to just start to walk the relatively contained grid of streets and make contact with people and places to build links and learn what you otherwise might not know.⁹⁶ For the BRC Director what had been overlooked at Grenfell was the “*lot of social capital in that community, a lot of organisations, a lot of very dynamic people and leaders, ...who already knew each other and actually could have been harnessed more effectively earlier on in the process*”.⁹⁷

3.7. DIGNITY RECLAIMED: In the longer term BSR only embarked on viable recovery by uniting in community action and engaging on their own terms with the state actors from across London who replaced RBKC.⁹⁸ Through organisation, meetings, and becoming visible to the public, the people and the actual communities of the area came to register their existence in a way that the theory and practice of UK civil contingency was not able to do. One of the central tenets of this community response was to demand respect for human dignity. The statement of Shahin Sadafi explains how BSR came to explore for themselves, what the state had not, “*how do we treat people with dignity and what does that look like*”.⁹⁹ In utilising human dignity as a core aspect of community response BSR drew upon its mixed-faith dimension. They combined it with similar ideas in humanism, social work, therapy and human rights. The Inquiry has heard witnesses who repeatedly demonstrated the dignity and resilience of their faith and multi-cultural heritage.¹⁰⁰ Reclaiming Human dignity has offered some way forward; but it is something that great damage was done to before, during, and the after the fire.

[C.] DAMAGE

3.8. TESTIMONY: There was however profound cost, some of which was shared with this Inquiry. For Hisam Choucair “*it was the most painful experience of my life, that until today won’t go, no matter how much counselling or support I receive myself or my family*”.¹⁰¹ For Karim Mussilhy, “*personally, Grenfell has completely changed my life, my family’s*

⁹⁵ Spragg {T280/83/22-84/18} Adamson {BRC00000075/33 §145}: see also Richards {T275/156/23-158/25} Simms {T275/209/6-210/6}

⁹⁶ Adamson {T276/158/20-161/2}

⁹⁷ Adamson {T276/161/10-22}

⁹⁸ T1 M4 Opening {BSR00000186/41 §5.14}

⁹⁹ Sadafi {IWS00001806/17 §56}: see also Sadafi {§§35, 45-46, 51, 60-63, 77}

¹⁰⁰ Rasoul {T265/149/9-150/11} N. Choucair {T265/66/12-67/15} El-Obani {T266/34/8-34/34}

¹⁰¹ H. Choucair {T265/79/7-11}

life, and the life we had before Grenfell is almost non-existent...My uncle is gone, we're never going to get him back, our families are broken, and they will never be fixed".¹⁰² For Mohamed Rasoul, "a person in my position trying to be, you know, leading the family, a man, be a strong husband, be a good father, a good son, and all of us dealing with our first of all and our grief, at times in the hotel environment we didn't have any escape or outlet to kind of vent any of our emotions or experiences out, and that, it wasn't a healthy environment for us".¹⁰³ Many people felt they had failed because they could not support their families or friends in providing them the information, security or care they needed.¹⁰⁴ The onus should never have been on them alone, they should not have had to bear this burden.

- 3.9. CHILDREN: Several witnesses spoke of the cost to children. For Hanan Cherbika, "These kids were trying to deal with witnessing the biggest tragedy ever, they're probably ever going to witness in their life. They were trying to cope with death of friends and family, and these are children, they can't process that, they can't understand what they've just witnessed and what death is, whereas adults, we can kind of understand. Children, they can't. They were thrown back and forward. They had no choice. They just had to follow their parents or their carers. They just -- they had to go with whatever was happening".¹⁰⁵ Hanan Wahabi described the children as the most forgotten: "Even those parents who had lived, in the aftermath of the fire, the children experienced life as if they were orphans. We weren't and couldn't be there for our children. We couldn't even be there for us."¹⁰⁶

- 3.10. 'THE BODY KEEPS THE SCORE': Perhaps for many BSR Hanan Wahabi did her utmost to explain publicly how trauma works, how the body keeps the score, and how the injustice of these events makes it worse:¹⁰⁷

"My body has never experienced so much pain since 14 June 2017. Physical, internal and emotional pain. Life isn't easy anymore. Life is a challenge. Fear is constant. Nightmares never go. Inner peace is what we yearn for. Even when we feel like it's going to be okay, it's just a matter of time that a memory, a thought, a feeling, an experience will interrupt that, and then we're back there again, like it's happening all over again....We are still impacted. We still hurt. We still remember. We haven't forgotten. All the issues we have, the PTSD, the mental and physical trauma that you

¹⁰² Mussilhy {T264/102/7-10} {T264/104/12-16}

¹⁰³ Rasoul {T265/168/8-15}

¹⁰⁴ Mussilhy {T264/38/22-39/1} {T264/71/22-72/9} N. Choucair {T265/33/11-34/4} Rasoul {T265/148/4-24} Wahabi {T267/129/2-14} El-Ogbani {T266/15/17-61/1}

¹⁰⁵ Cherbika {T266/118/23-119/8}

¹⁰⁶ Wahabi {T267/139/24-140/4}

¹⁰⁷ Wahabi {T267/127/23-24}: see Bessel Van Der Kolk, *The Body Keeps the Score, Mind, Brain and Body Transformation of Trauma* (Penguin 2015) and Wahabi {T267/128/15-24}

see as problems in us, this isn't who we were; this is who some of us are now because of what the government did to us. Because of your absence, because you were not there, because you did not show that you cared, you have sapped all the energy from us."¹⁰⁸

The damage wreaked disproportionate impact on working class people predominantly of colour who did not have the money, networks or options that others have. It is for that reason that the aftermath and its harm has become a social justice issue for BSR that stands side by side with the causes of the fire.

IV: BOROUGH

[A.] DISCONNECTION

- 4.1. OVERVIEW: The Council's failure to meet the challenges of the aftermath was accepted by its witnesses, particularly its previous Chief Executive, but what still needs consideration is its disengagement from the human capital of local people and communities well before the fire (SECTION [A]), the defensiveness and denial that caused its delay in relinquishing Gold control (SECTION [B]), and the cause and scale of its incompetence (SECTION [C]). For the BSR, a fire of this nature would have challenged any Council. However, RBKC's deep-rooted inadequacies made the situation far worse. It was incapable of leading recovery not just because it was overwhelmed, but also because it was inhumane.¹⁰⁹
- 4.2. COLLAPSE: BSR evidence explained the almost surreal experience ("*crazy to think about it now, with all the chaos and madness that was going on*") of the state and its officials' absence in a crisis. Karim Mussilhy "*saw absolutely nobody*" and remembered "*vividly...every time I turned a corner, I would expect to see somebody...in a high-vis and a clipboard, but I never did.*"¹¹⁰ Hisam Choucair was "*expecting some sort of system in place in order to assist us to take the burden from us*" but there "*was nobody there from the local authority..., nobody visible from the TMO, from the council...It was something amazing that I had never seen before*".¹¹¹ Mouna El-Ogbani contrasted the position with when you did not pay rent, "*they will come and you will get letters, you will get phone calls*" but this time there was "*no one from Government, no one from authority...We didn't*

¹⁰⁸ Wahabi {T267/140/5-142/2}

¹⁰⁹ PART II [E] §2.7 ABOVE

¹¹⁰ Mussilhy {T264/22/5-21}

¹¹¹ H. Choucair {T265/33/21-35/4} {T265/69/9-15}

know where to go, we didn't know how to seek help, we didn't know what would happen next".¹¹² Other witnesses spoke of a sudden "void" of the state.¹¹³

4.3. COMMUNITY DISENGAGEMENT: For reasons set out in PART III [B] §§3.4-3.6 even with flaws in planning and shortcomings in initial response a Council that enjoyed in-depth pre-existing meaningful community engagement would have coped better including by correcting errors in real time based on BSR feedback; but in RBKC relations had degraded over a long period. Mohamed Rasoul explained that the degree of prior mistrust of RBKC and the TMO was seriously aggravated when the Council and its management did not meet immediate humanitarian need.¹¹⁴ When Fatima Boujettiff encountered the Council employee in the Westway gym who made her feel wrong for asking for help and was "very abrupt, very condescending", this was "pretty much normal" for an RBKC representative that "just felt worse because of the moment, but it wasn't a new experience".¹¹⁵ Nicholas Hurd now accepts "the very clear picture that was forming quickly on the first day that the Council was going to struggle to have the moral authority to lead".¹¹⁶

4.4. NO-PLANNING: On civil contingency preparation itself David Kerry was allowed a free-pass across two years of self-assessment between 2016-2017 to do nothing in relation to the strategy and development of voluntary sector and community resilience (see III [B] §3.5). Andrew Langford, the Clinical Director for Cruse Bereavement, thought "there seemed to be no links between the local authority and community groups in the North Kensington area post incident".¹¹⁷ Kerry did not dispute that this hampered the RBKC response.¹¹⁸ He suggested that his line managers would have known of the self-assessment results and that this was an area requiring improvement.¹¹⁹ Holgate did not know; albeit he was bound to recognise that this unresolved failure (coupled with the red score for not having a Humanitarian Assistance Lead Officer ('HALO') in place, and amber scores on training and exercising) was wrong; especially so in light of accepting that the relationship

¹¹² El-Ogbani {T266/29/8-21} {IWS00001746/6 §26, §36, §45}; see also Mussilhy {IWS00001783/8 §31 §41}, Mahmoud Al-Karad {IWS00001541/11-14 §53, §71}

¹¹³ Simms {MOL00000003/9}; see also VCS evidence, Long {CFV00000010/6-7 §32} Blanchflower {CFV00000045/4 §§14} {5-6 §§20-21} and {7§28} Abdulrahman Sayed {CFV00000043/4 §17} Everett {CFV00000009/4 §xii} Bedford {IWS00001652/10 §§38-39} Clee {CFV00000059/6 §5II}

¹¹⁴ Rasoul {T265/146/24-147/14}

¹¹⁵ Boujettiff {T266/65/3-24}

¹¹⁶ Hurd {T282/208/7-10}

¹¹⁷ Langford {CFV00000050/9 §39}

¹¹⁸ Kerry {T269/8/13-9/1} RBKC M4 Opening {RBK00068467/12 §46}

¹¹⁹ Kerry {T268/151/10-152/22} although with no system to deal with MSL assessments

between the council and the north of the borough was not as good as for other parts of RBKC.¹²⁰

4.5. CONSEQUENCES: On a practical level once the crisis began to unfold RBKC had no idea who in the community it should be working with; or how to enroll the affected population, both of which the extant Cabinet Office Guidance, whatever its gaps, at least pressed them to consider.¹²¹ That is not surprising because Kerry regarded such aspirations as unachievable “*in any pragmatic or sensible way*”.¹²² Tony Redpath line managed emergency planning but remains largely unrepentant of Council conduct.¹²³ It fell to him to lead on voluntary community sector co-ordination in the aftermath.¹²⁴ In consequence he failed to invite a representative cross section of the engaged voluntary sector to the hastily convened Humanitarian Assistance Steering Group (‘HASG’)¹²⁵ and decided not to support non-official rest centers.¹²⁶ Overall the humanitarian outreach of the Council was inadequate.¹²⁷ The post Grenfell survey of RBKC staff clearly highlighted the deficit of community engagement.¹²⁸ Comments expressed the need to “*involve the affected community and reach out to them*”, to use both local volunteers and local groups “*to build trust, and is a good way to communicate key messages*”, to have “*joined up with these groups rather than just working in isolation from them,*” and to “*harness the talent, skills and experience that was offered in abundance by the wider community*”.¹²⁹ However, in over 100 pages of reflections from RBKC there was no recognition of the impact of socio-economic factors or other inequality, nor any aspect of the PSED.¹³⁰

[B.] DENIAL

4.6. DEFENSIVENESS: RBKC’s leadership understood it would be subject to criticism about its lack of preparedness and its culpability for the fire from an early stage. Kerry recalled that sprinklers were quickly on Holgate’s mind.¹³¹ Holgate was reluctant for outside PR to be

¹²⁰ Holgate {T273/39/16-21} {T273/214/17-20} {T273/215/16-18}

¹²¹ Cf. ‘The Role of Local Resilience – A Reference Document’ {LFB00061161/53-54}

¹²² Kerry {T268/163/23-164/3}

¹²³ Redpath {RBK00035401/10-12 §§30, 32-33, 36}

¹²⁴ Redmond {T271/63/19} {T271/64/1-65/5}

¹²⁵ Redmond {T271/101/14-25} {T271/130/12-131/11} Richards {T275/163/17} Simms {T275/205/8-206/2}

¹²⁶ Redmond {T271/80/2-10}

¹²⁷ Redmond {T271/172/3-173/3}

¹²⁸ K & C Fire Debrief {RBK00068075/3 §5.6}

¹²⁹ {RBK00068075/16, 20, 21-22}

¹³⁰ PART II [D] §2.8-2.9 ABOVE: see also HAC Community Assistance Subgroup {GOL00001742/2} noted that an EIA needed to be done, but “*but not desperately urgent*” Cf. Redmond {T271/202/3-203/6}

¹³¹ Kerry {T269/141/3-142/12} Holgate {T273/125/1-20} {T273/148/2}: see Kerry Notes {RBK00033587/16}

appointed because he “*thought this would be seen as an act of ‘a guilty party’*”.¹³² Council officers were discussing the Grenfell Action Group blog from the first SCG meeting at 05:00.¹³³ Key RBKC and TMO actors were defensive about the narrative around the Council’s response and sought to deflect blame onto BSRs,¹³⁴ central government,¹³⁵ and the media.¹³⁶ Holgate referred to resident threats and conspiracies to senior civil servants like Jo Farrar to encourage government to fear residents more and criticise RBKC less.¹³⁷ Johnson and her Housing Department were hostile to central government support.¹³⁸ Paget-Brown dubiously claimed credit for the community’s intervention (our “*agents in normal times*”) because the Council had given grants to some of the organisations, but did not acknowledge the extent to which they had filled the void and were acting in spite of Council leadership or collaboration.¹³⁹

4.7. BIAS: Holgate’s admission in evidence of “*suspicion*” only (i.e. prejudice) that BSR “*instigators*” were “*fabricating stories in order to further aims*”,¹⁴⁰ should be seen in its true light; as part of a pattern of bias against BSR amongst senior RBKC and TMO officers. It is important not to overlook the pre-fire animus of officers towards Grenfell residents. Laura Johnson had made it clear to the TMO as recently as March 2017 that they would be protected against residents from Grenfell – the “*bad tempered place*” complaining about “*minor matters*” with “*their own agenda*” who were “*not to be taken seriously*”.¹⁴¹ In an email sent on 16 June 2017 she stoked the suggestion that residents would sabotage recovery by assuming without any foundation that Edward Daffarn would lead the Town Hall protests.¹⁴² Black allowed his TMO staff to regard Daffarn and Councillor Blakeman as “*negative forces*”, repeatedly warned her for breaching a purported, but non-existent “*conflict of interest*”,¹⁴³ and would sack her from the Board for her criticism of the TMO

¹³² Holgate RBKC interview {RBK00029013/16}

¹³³ SCG {MOL00000026/2 §3.16} (“*a tweet by Gindell (sic) action group work on block, linking paper to fire*”) Kerry Notes {RBK00033587/7} Cf. Kerry Typed Log {RBK00013296/6 §28} and Kerry {T269/203/18-207/4}

¹³⁴ PART II [D] §2.6 ABOVE

¹³⁵ Redpath {RBK00035401/11 §32} Black {T279/97/1-10} {T275/98/9-14} Johnson {T272/162/19-163/1} {T272/164/11-14}

¹³⁶ Holgate {T273/123/17-125/20} {RBK00029013/4-5} Redpath {RBK00035401/11 §32} Redmond {T271/149/22-150/5}

¹³⁷ Farrar-Holgate 12:30 15 June {CLG00008140}

¹³⁸ Farrar {T284/128/11} {T284/129/8} {T284/131/5} Cf. Johnson {T272/106/18} (hindsight admits error)

¹³⁹ 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}

¹⁴⁰ Holgate {T273/194/2-24} Cf. SCG 11:00 16 June {MOL00000036/2}

¹⁴¹ Johnson-Black 16.3.17 {RBK00000149/1}

¹⁴² Johnson-Holgate-Redpath 12:48 16 June {RBK00038214/1}

¹⁴³ {TMO10011591/2} Black {T151/102/5-8} {T151/102/12 -23} {T151/151/22 – 152/4}

in the immediate aftermath of the fire.¹⁴⁴ Quentin Marshall, as Chair of the Housing & Property Scrutiny Committee had dismissed Grenfell residents' claims as "wild", "unsubstantiated" and "grossly exaggerated"¹⁴⁵ and otherwise referred to them as a "witch hunt".¹⁴⁶ As second in command, and the principal adviser to Holgate when Kerry was away,¹⁴⁷ Redpath's Inquiry statement is littered with victim blaming. He articulates the view that as the emergency plans were "premised" on the Borough being seen as a positive presence by the affected community, and that turned out not to be the case, because they maligned the Borough "with anger, hatred and blame", then the delivery of effective services in the aftermath was not possible.¹⁴⁸ His fallacious reasoning is exposed by the principal issue. RBKC did not immediately act on, nor plan for its own conflict of interest: firstly in being culpable for the fire; and secondly in long term conflict with residents who accused it of failing to consult and tolerating low quality works and fire safety standards.¹⁴⁹ As this was a Borough-owned building where the Borough had overseen the refurbishment and signed it off as safe, the first of these conflicts should have been apparent and acted upon immediately after the fire. The second conflict had been known to the Council long before the fire but no prior emergency planning took it into account.

- 4.8. DELAY: Cumulatively this combination of defensiveness and prejudice rendered Holgate preoccupied with retaining control of the response rather than invoking LLAG.¹⁵⁰ Although he was resistant to accepting this in his evidence to the Inquiry he was overly concerned with optics (*'that looks like we can't cope'*).¹⁵¹ The mentality of civil servants like Holgate makes it particularly difficult for them to admit baser motive.¹⁵² In real time he may not have realised that the public and state reaction to the failure of the aftermath

¹⁴⁴ Blakeman {MET00045751/13}

¹⁴⁵ Marshall {T133/167/14-/170/25}

¹⁴⁶ Marshall-Johnson-Feilding-Mellen 19 June 2015 {RBK00013926/1}

¹⁴⁷ Kerry {T268/203/2} {T269/156/4}

¹⁴⁸ Redpath {RBK00035401/11 §32}

¹⁴⁹ Lucy Easthope, *When the Dust Settles – Stories of love, loss and hope from an expert of disaster* (Hoder & Stoughton) (2022) p. 236 describes this as the "nightmare scenario: a local government organisation already condemned as being a perpetrator left in charge of also 'recovering' the local people. I had assumed that some sort of commissioning group would takeover but instead the responsibilities were handed back to the same departments that the bereaved families and the communities blamed. It created the most unhealthy of dependencies - the people you were most angry with held all the keys to the cupboard and all the financial instruments"

¹⁵⁰ Holgate {T273/66/3} {T273/191/20} (now accepts delay was an error)

¹⁵¹ Priestley {T270/27/19-28/19} Holgate described this as "not a happy choice of words" but accepted Priestley's account {T273/69/6}; but dismissed accusation of having "skewed priorities" as "absurd" {T273/60/7} and unpersuasively suggested his "cope" comment not about perception {T273/71/14}

¹⁵² PART II [E] §2.11 ABOVE

would be so critical. Likewise in an environment that had little understanding of the value of official logs and in which many key decisions were not noted,¹⁵³ he may have assumed that comments like that would not come to light.¹⁵⁴ Kerry recused himself from advising Holgate on whether to invoke LLAG on the basis that it was the Chief Executive's decision to make.¹⁵⁵ Priestley was too inexperienced, deferential and uncomfortable to tell senior officers his views.¹⁵⁶ Rebecca Blackburn told Holgate and Redpath that it had to be done, but regarded them as resistant to external scrutiny.¹⁵⁷ By 15 June central and regional government became concerned about the delay.¹⁵⁸ Some attributed it to hubris.¹⁵⁹ By Friday Paget-Brown and Holgate both adopted a bunker dwelling victim mentality: that the Council had done well and that their undoing was politics, media and BSR.¹⁶⁰

[C.] INCOMPETENCE

4.9. TOWN HALL MINIMALISM: Resilience planning in RBKC was not (in the words of post-fire Riordan-May review) “*everybody’s business*”.¹⁶¹ It was a low priority function presided over by a traditional Town Hall staffing structure. Priestley and Redpath line managed Kerry without expertise in their own right; and no experience to carry out the roles expected of them after the fire.¹⁶² Holgate by virtue of being a Chief Executive could nominally be duty Gold but he had neither real experience nor training.¹⁶³ Kerry progressed through the ranks of contingency management largely due to serving time in the area rather than as a result of developing expertise through education, training or experience. He moved from contingency officer to planner without formal qualification.¹⁶⁴ He combined long years in post with evident ability to speak the Cabinet Office lexicon and to navigate the convoluted byways of London Resilience, and hence gained status as

¹⁵³ E.g. Redpath {RBK00035401/11 §34} Cf. Blackburn RBKC Interview {RBK00029019/4}

¹⁵⁴ Blackburn {T270/157/23-159/6} discussed with Redpath the need to log because of the public inquiry who at that stage did not anticipate that the ‘aftermath’ could be within the TOR or scope

¹⁵⁵ Kerry {T269/103/19-104/12} {T269/198/1-5}

¹⁵⁶ Priestley {T270/29/10-32/15} {T270/98/15-99/18} {T270/5/4-9} {T270/12/8-14}

¹⁵⁷ Blackburn {T270/181/20-24}

¹⁵⁸ For Central Government the turning point was Holgate’s attendance at the 3pm Ministerial Meeting (PART VI). For London Resilience it was Mark Sawyer’s experience of visiting RBKC Gold Command (PART V):

¹⁵⁹ O’Donoghue {CFV00000054/6 §14}

¹⁶⁰ Paget-Brown {RBK00035001/19-20 §88} {RBK00003148/1} Holgate {RBK00035426/1 §4} {RBK00043005/13}

¹⁶¹ Riordan & May Report {LFB00061197/11-12 §10}

¹⁶² Redpath {RBK00035401/2 §6-8} Priestley {T270/5/24-7/20} {T270/11/11-12/14} {T270/88/15-90/8}

¹⁶³ Holgate {T273/10/13-18} {T273/11/10}: see also on Kerry {T268/75/13-78/8} {T268/80/18-81/15}

Hetherington {T277/202/3-205/21}

¹⁶⁴ Kerry {RBK00058091/31-32 §§14.2.6 -14.2.7} {T268/3/21-5/25}: see spreadsheet {RBK00060422} for a CPD record of courses and workshops that could not remotely constitute the study of complex emergency management

a Practitioner Adviser to the Local Authorities Panel.¹⁶⁵ These were all older men¹⁶⁶ who likely saw emergency response in functional terms. As one Bi-Borough observer would put it, “*The focus was too technocratic (hard skills based professional disciplined) rather than a broader, softer humanitarian response that would have generated more empathy with survivors.*”¹⁶⁷ This chimes with humanitarian recovery delegated to Sue Redmond even though she was a recently placed locum Director of Adult Social Services with neither local knowledge of the community nor any training, induction or even idea of the humanitarian component of emergency operations.¹⁶⁸ The overall set-up was fundamentally ill-suited for the Grenfell aftermath.

- 4.10. BLACKBURN: Rebecca Blackburn (educated, younger, female, in her first job and less deferential¹⁶⁹) shone a light on the weakness of the service. She regarded Kerry as overly bureaucratic and organisationally conservative.¹⁷⁰ She had repeatedly pointed out the risks associated with the failure to conduct exercises to test the adequacy of the CMP and the cadre of volunteers, both of which she thought the borough was doing “*the very least we had to do*” with Kerry insufficiently assertive on the issue.¹⁷¹ She predicted (correctly) to superiors that Kerry would not cope in the event of a major incident. Redpath told her to defer to her manager’s experience.¹⁷² She understood the role of the Team was not just to put the plans in place (“*and make sure we look good on paper*”) but to ensure the organisation was able to respond effectively.¹⁷³ Rather than have these issues addressed, Blackburn was seconded out of the team, about which she said she was “*happy*” as it “*got [her] away*”.¹⁷⁴ As of June 2017 she was the outlier in her workplace and stood out for competence during the crisis.¹⁷⁵ All of the leading personnel ended up leaning on her

¹⁶⁵ Cf. Hetherington {T277/80/10-81/3}

¹⁶⁶ Lucy Easthope, *The Recovery Myth, The Plans and Situated Realities of Post-Disaster Response* (Palgrave, 2018) p. 70 refers to studies that UK emergency planners traditionally have been predominantly male, drawing from police and military backgrounds and queries this consequence for their worldview “*detached? hierarchical? disciplined? dispassionate*”

¹⁶⁷ Austin {RBK00035583/11-12 §§58-59}

¹⁶⁸ Redmond {T271/3/17-4/1} {T71/10/3-10/21} {T271/11/25-15/24} {T271/24/19-25/5} {T271/28/18-30/4} {T271/128/16-129/9} {T271/157/21-158/4} {T271/203/24-204/22}

¹⁶⁹ Farrar {T284/126/25-127/20} {T284/136/14-21} (on deference to hierarchy she observed on her 16 June visit)

¹⁷⁰ Blackburn {T270/105/12-106/5}

¹⁷¹ Blackburn {RBK00035364/3 §12} {T270/110/8-115/25}

¹⁷² Blackburn {RBK00058170/9 §§2.21-22} {T270/116/15-25} Cf. Priestley {T270/10/1-11/6}

¹⁷³ Blackburn {T270/154/3-11}

¹⁷⁴ Blackburn {T270/117/11-119/2}

¹⁷⁵ Redmond {T271/54/12-13} (“*amazing woman doing an amazing job*”) Johnson {T272/34/11-22} (“*very ably assisted [Priestley] and the understood the role of BECC very clearly*”)

capability.¹⁷⁶ Meanwhile Kerry broke down from exhaustion by the first morning.¹⁷⁷ Thereafter he left inexperienced colleagues profoundly exposed to operate the day shifts and did painfully little himself during the nights.¹⁷⁸ It precluded him from being a source of advice to the inexperienced Holgate, contributing further to RBKC's "*fragmented*" response.¹⁷⁹

- 4.11. PREPAREDNESS: The contingency service was chronically unprepared before Grenfell in a number of ways, including: (1) inadequate senior managerial oversight of MSL assessments and other concerns,¹⁸⁰ (2) planning lacunae, with the Contingency Management Plan not subject to peer review nor regular testing and containing blank, outdated, and superseded annexes¹⁸¹ (3) no Equality Impact Assessment being made in respect of RBKC's contingency planning arrangements, and no consideration given to RBKC's Public Sector Equality Duties,¹⁸² (4) failure to conduct full-scale training exercises across RBKC, in breach of its statutory duties,¹⁸³ rendering staff across the organization unprepared and emergency plans untested (5) lack of trained available BECC and emergency staff,¹⁸⁴ despite concerns regarding this having been raised with Holgate and other senior managers,¹⁸⁵ (6) complete reliance on BRC to operate the rest centres,¹⁸⁶ in spite of BRC's supporting, not lead, role¹⁸⁷ and (7) no up-to-date contingency planning or exercising for mass displacement¹⁸⁸ by the housing team with no arrangements with hotels for mass-booking.¹⁸⁹

¹⁷⁶ Kerry {T269/84/7-11} Holgate {T273/152/1-5}, Blackburn {T270/147/2-148/15} {T270/151/9-152/19} {T270/161/2-8}. Cf. Priestley says he relied on Kerry, not Blackburn {T270/29/2} {T270/88/6} {T270/89/13}

¹⁷⁷ Kerry {T269/69/24-70/5} {T269/76/21-24} {T269/84/10-24} {T269/171/3-16} {T269/139/2-25}

¹⁷⁸ Priestley {RBK00035672/13 §61} {T270/72/9-16} Blackburn {RBK00058170/16-18 §14}, {T270/172/23-173/22} Holgate {T273/220/6-221/8} Sawyer {GOL00001301/1} Kerry {RBK00033579/19 §85} {T269/157/21-25} {T269/159/21-160/3} {T269/161/1-11} {T269/163/14-25} {T269/165/21-25} {T269/167/1-8} {T269/168/20-25} {T269/169/14} {T269/170/11}

¹⁷⁹ Sawyer {T278/117/15-119/18}

¹⁸⁰ Holgate {T273/39/16} {T273/45/25} {T273/26/25-27/18} Kerry {T268/152/15} {T268/181/11-182/3}

¹⁸¹ Kerry {T268/29/9} {T268/27/1} {T268/37/14}

¹⁸² Kerry {T269/211/3-13}

¹⁸³ CCR 2005 reg. 25(b) {CAB00007003/13} Emergency Preparedness Ch. 5 {CAB00004623/52 and 54 §§5.133-5.135 and §§5.137-5.138} Cf. Kerry {T268/116/8-25} Blackburn {T270/119/11-120/11} Redmond {T271/10/3-21} {T271/11/25-12/14} Holgate {T273/35/8}

¹⁸⁴ Kerry {T268/115/23-116/3} {T268/60/1-61/15} {T269/67/17-23} Priestley {T270/40/6-21} Blackburn {T270/149/24-150/4} Johnson {T272/33/17}

¹⁸⁵ Kerry {T268/67/15-68/1}

¹⁸⁶ Blackburn {T270/165/16}

¹⁸⁷ Spragg {T280/16/15-17/6} {T280/18/21}

¹⁸⁸ Johnson {T272/7/11-9/18}

¹⁸⁹ Johnson {T272/22/4-23/1} {T272/60/6}

4.12. CONSEQUENCES: As a result, RBKC made fundamental mistakes in the first 48hrs following the fire, from which it never recovered.¹⁹⁰

FIRST: Kerry comprehensively misjudged the seriousness of the fire. His faults included choosing the distant and moribund Belushi's that diverted the BRC in a crucial period¹⁹¹ and delayed opening of the BECC which with its limited trained staff would remain in chaos for several days.¹⁹² Thereafter he was side-lined through exhaustion with his planning and purported expertise disappearing in the real-life crisis tempo of a major incident. Behind the façade of 'civil contingency speak' the plans were exposed on first contact with reality. Kerry was embarrassed by his own phrase "*we were what we were, we did what we did*",¹⁹³ but it revealed the truth: his many years preparing for an emergency could not ready the Borough for anything more than a "*bus crash on the high street*" or minor fire.¹⁹⁴

SECOND: the remaining senior command, namely Holgate, Redpath and Priestley – not least through lack of training and experience – were unable to provide strategic oversight and leadership for the entire Council response.¹⁹⁵ Senior leaders was overly bogged down by operational rather than strategic matters, creating chaos and a lack of direction across the organisation.¹⁹⁶

THIRD: the failure to prioritise¹⁹⁷ rest centre attendance, including senior manager attendance,¹⁹⁸ was irrevocably damaging to the Council, meaning it relinquished a vital opportunity to gather indispensable intelligence,¹⁹⁹ was unable to allocate its scant human resources accordingly,²⁰⁰ and incapable of effectively registering survivors and the

¹⁹⁰ Blackburn {T270/189/4} ("*it was written on the wall that we weren't coping*")

¹⁹¹ BRC log {BRC00000051/4-5} Spragg {T280/23/8-24/1}

¹⁹² Blackburn {T270/138/12-139/24} {T270/134/19} Redmond {T271/23/24-24/7} {T271/54/7-19} Johnson {T272/34/10} and Kerry {T269/86/14}: see also IT issues (Blackburn {T270/135/2-136/23} {T270/137/5}), no log was set up until 13.18 on 14 June (Blackburn {T270/155/7-156/25} and the lost keys (Priestley {T270/18/19-20/20} Kerry {T269/12/24-15/12}))

¹⁹³ Kerry {T268/185/1} {T268/211/4}

¹⁹⁴ O'Donoghue {CFV00000054/6 §14} Kerry {T269/39/3-4}

¹⁹⁵ Holgate {T273/10/9—18}. The Gold training Holgate received was "*plainly insufficient*" {T273/11/10} Kerry {T268/76/24-78/8} {T268/81/13} Blackburn {T270/178/20-179/5} {T270/152/17-23} Redmond {T271/39/12-40/3} {T271/55/2-56/4} Johnson {T272/42/21}

¹⁹⁶ Blackburn {T270/175/11-21} Redmond {T271/39/12}-40/3} {T271/55/2-56/4} Johnson {T272/42/21}

¹⁹⁷ Holgate {T273/53/9-54/3} Priestley {T270/12/11-14}

¹⁹⁸ Holgate {T273/104/23-105/18} Priestley {T270/49/6-23} {T270/95/17}

¹⁹⁹ Blackburn {T270/146/20-147/1} {T270/164/1-9} Kerry {T269/146/25-147/18} Johnson {T272/47/2}, Priestley {T270/32/22-33/4}: note particularly the case given the inadequacy of the intelligence being gathered by the Local Authority Liaison Officer ('LALO') Kerry {T268/141/18} {T269/146/18-147/18}

²⁰⁰ Kerry {T269/116/16-25}

missing.²⁰¹ RBKC thereafter suffered from a profound further loss of reputation and trust arising from its lack of visibility and dynamic engagement.²⁰²

FOURTH: the appointment of a HALO and establishment of a HASG was delayed and compromised by the failure to have a pre-designated lead (that should not have been Redmond, the untrained locum²⁰³), which led to a 24hr delay to the humanitarian response²⁰⁴ and critical failure to coordinate a proper system of registration.²⁰⁵

FIFTH: The provision of hotels was not conducted in a humane fashion, with no definitive list of who was where and with what needs.²⁰⁶ Those placed in hotels were made to feel as though they were out of sight and out of mind,²⁰⁷ with poor communications, particularly with those who did not speak English as a first language.²⁰⁸ The approach to the Walkway accommodation was unacceptable in its inconsistency - first in relation to offer accommodation to the vulnerable only (with no clarity on how that was to be defined, and seemingly without reference to the mental health implications for many of continuing to reside next to the Tower),²⁰⁹ then scaling up arbitrarily and with poor communications;²¹⁰ only to scale down and with equal unfairness. Pressure was exerted on Walkways residents to return to their properties irrespective of whether it was in the best interests of those households.²¹¹

- 4.13. REALITY OF THE TMO: Despite Robert Black's suggestion that TMO's role following the fire was predicated on its local knowledge and expertise of the residents who lived in Grenfell Tower and the Walkways,²¹² the TMO did not even hold accurate basic information about which individuals lived in which flats and what disabilities or

²⁰¹ Kerry {T269/190/3-21} {T269/192/10-194/1} {T269/195/14-197/2} RBKC database of missing and deceased still being created as of 18/19 June {RBK00021273/2}, and email from Meek to Gould {RBK00049813}. See also Hardy {LBE00000025/12-13 §§63, 67} {LBE00000055}, {LBE00000056}

²⁰² Wahabi {T267/138/12-17} Brown {BRC00000005/32 §121}, Augustine {RBK00035411/8 §44}

²⁰³ Redmond {T271/12/15-13/18} {T271/15/12-24}

²⁰⁴ Redmond {T271/23-53/20} Holgate {T273/130/9} ("*valuable time was lost*"): see also FOOTNOTE BELOW

²⁰⁵ Redmond {T271/37/9-38/3}

²⁰⁶ Harpley {GOL00001114/2 §3}

²⁰⁷ Johnson {T272/130/25-131/13} {T272/137/4} {T272/170/4}: see also Temesgen {IWS00001800/21 §30}, Pahlavani {IWS00001244/14 §42} Chiapetto {IWS00001780/3 §9}

²⁰⁸ Kerry {T269/149/1} Johnson {T272/88/9-14} Redmond {T271/133/11-14} Priestley {T270/69/15-21} Jamalvatan {IWS00001724/8 §33} El-Sawy {IWS00001822/10 §42} Belfassi {IWS00001802/11 §70} Khanh Quang {IWS00001821/15 §75} Al-Karad {IWS00001541/20 §§98-99}

²⁰⁹ Johnson {T272/102/14-103/1. Cf. the bi-borough Public Health team's categorisation of "*people living by and traumatised*" specifically including, among other groups of residents, Walkways residents {RBK00014861/1}

²¹⁰ Johnson {T272/86/22-25} {T272/80/19}

²¹¹ Black {T275/58/4-7}

²¹² Black {T275/29/22}

vulnerabilities they had.²¹³ This was the principal area in which it could have had a positive impact, assisting with the process of identifying those safe and those missing, but it failed lamentably.²¹⁴ TMO staff had a fleeting and limited presence on the ground in the aftermath.²¹⁵ In any event, the TMO did not have adequate numbers of trained staff capable of making a meaningful contribution to the response²¹⁶ and it had failed to address fundamental concerns regarding its interoperability with RBKC arising from the Adair fire.²¹⁷ Even if they had, residents' trust in them had been lost long before the fire and nothing was done in the immediate aftermath to suggest they were deserving of any trust. BSRs speak of the TMO's absence at their time of need.²¹⁸ For all its self-aggrandising descriptions of itself as a resident-democracy,²¹⁹ the TMO's contribution to the emergency response was essentially reduced to that of a repairs service for the Walkways blocks.²²⁰ In the face of unprecedented crisis, staff retreated to their offices, and the organisation concerned itself with instructing PR experts in full knowledge that it was implicated in the causes of a disaster which its residents had warned them of.²²¹ In the aftermath, any remaining pretense the TMO had in being a representative and functional organisation, and one that was well-integrated within its community, simply melted away.

V: CITY

[A.] LIMITATIONS

5.1. MISCONCEPTION: Beneath the complexity,²²² branding,²²³ and multiple stake holding of London Resilience,²²⁴ lies the limitation that a major city like London does not have an urban emergency authority. It has a duty rota system of Chief Executives available to provide ad-hoc advice from a London-wide perspective,²²⁵ with additional bodies like

²¹³ Brown {T274/69/21-70/25} {T274/71/12-72/9} {T274/19/20-20/4} {RBK00057975/3} {TMO10035581/3}

²¹⁴ Brown {T274/71/12-72/7}

²¹⁵ Brown {T274/32/2-33/8}

²¹⁶ Brown {T274/14/17-15/12} {T274/16/7-17/25} {T274/61/8-14-62/13} Black {T275/9/6-11/7} {T275/14/5} Warrier {TMO10048986/4 §§17-18}

²¹⁷ Black {T275/15/7}

²¹⁸ PART IV [A] §2.4 ABOVE

²¹⁹ Bhatt Murphy M3 Closing {BSR00000084/34 §4.4}; Bhatt Murphy M3 Opening {BSR00000067/4 §2.5}

²²⁰ Brown {T274/171/25-172/16}

²²¹ Black {T275/116/15-117/21}

²²² Hetherington {T/277/102/16 -104/21} Norwell Review (April 2015) (*verges on the convoluted*) with "significant duplication of services and resources" and "limited oversight" summarised at {RBK00004181/23} Cf. Barradell {T279/204/12 – 205/11} Bellamy {T282/15/14-20}

²²³ Hetherington {T/277/10/12-14}

²²⁴ London Resilience Terms of Reference {LFB00061162} Barradell {GOL00001706/6 §24} Hetherington {T/277/9/24-20/13} {T/277/30/9-36/10} {LFB00061158/2-5 §§6-16}:

²²⁵ Hetherington {T277/60/6-23}: see also Guidance Note for Chief executives Initiating Plan – Pan- London Support during Emergencies {LFB00119133/1} ("the provision of advice, guidance and support to help shape the responses of individual authorities")

London Resilience Group (‘LRG’) and Local Authority Panel (‘LAP’), able to provide guidance and support but without power or intent to discharge local authority function.²²⁶ The required leadership at Grenfell by a selection of London’s civil contingency specialists was therefore delayed because RBKC did not ask for it and LLAG had no power to impose it.²²⁷ Had they done so RBKC’s disconnection, denial and incompetency would have been exposed far earlier. However, the Inquiry has learned that the idea of LLAG *taking control* was not procedurally or conceptually contemplated by the system. The foundation LLAG documents create no such power (dealing only with collective expenditure).²²⁸ There was no precedent for full LLAG takeover before Grenfell.²²⁹ Indeed LLAG is rarely invoked at all even in an advisory/consultancy capacity.²³⁰ Its limited scope and practice reflects the primacy of individual council sovereignty; and hence the notion of “*takeover*” and “*intervention*” (as happened at Grenfell) were unknown to London Resilience vocabulary or practice before 2017.

- 5.2. CONSEQUENCE: The command structure of John Barradell and Eleanor Kelly et al that did ‘take over’ at some point in the afternoon of 16 June was an ad hoc task force and *not* LLAG. Its creation was politically sponsored by the Boroughs, GLA and Central Government out of desperate necessity (with Central Government unwilling to use statutory executive powers). However, despite its belated contribution to the recovery process the improvised initiative had the barest of legal foundations,²³¹ with an oblique email on the afternoon of 16th June from John Hetherington summarising that LLAG had been activated, but no letter from a Council Leader or Chief Executive formally granting him power and with RBKC, London Resilience and Central Government all thereafter overlooking formalities.²³² The Inquiry needs to reveal the extent of this improvisation so that Londoners (and other urban dwellers) do not live under the assumption that there is an organised system of rigorous regional emergency service that will kick in at the worst

²²⁶ Sawyer {T278/58/2 - 59/16} {T278/80/1982/7}

²²⁷ Barradell {T279/14/8-15/9} Sawyer {T278/70/15-19}

²²⁸ LLAG Resolution {LFB00061166} MOU {LFB00061169} Chief executives circular (26 July 2011) {LFB00061170} Hetherington {T277/50/16-52/4} {T277/55/23-60/23} {T277/64/7-65/18} Barradell {T279/12/10-25}

²²⁹ Hetherington {T277/55/20-56/19} see PART V [B] §5.7 BELOW

²³⁰ Hetherington {T277/43/22-46/15}: only once in its post 2011 modern variant after the Croydon train crash, albeit Croydon Council retained Gold control

²³¹ Barradell {T279/210/5-22}

²³² Hetherington 13:27 16 June {LFB00061250} {T277/56/20-60/5}: see PART V [B] §5.8 BELOW

of times.²³³ Likewise, London Resilience and Central Government leadership share in some responsibility for hitherto tolerating the absence of a genuine mechanism that can scale up disaster management. It constituted a fundamental gap in the resilience-subsidiarity system and meant there was no real mechanism to respond to a disaster that was geographically contained to a single local authority jurisdiction (see PART IV BELOW).²³⁴

[B.] IMPROVISATION

- 5.3. STAGES: The stages of an improvised replacement recovery command are as follows: (1) distance, (2) complicity, (3) transition, (4) uncertainty, (5) takeover, and (6) construction. Traversing each stage indicates that (despite hindsight regret) the principal London actors did not intervene sooner because neither the system nor professional culture predisposed them to do so.
- 5.4. DISTANCE: London Resilience's response to the unfolding disaster in Lancaster West on the first day was overly generous to RBKC.²³⁵ However on a single site incident *regardless of scale* there was strong expectation in the London Resilience cadre that the borough would lead on their own because (a) the LLAG function was limited to scenarios requiring pan-London participation²³⁶ and (b) on subsidiarity doctrine grounds the local Chief Executive was deemed to know better how to use his resources.²³⁷ This led to *offers* of help without *insistence*, with RBKC taking none of them up.²³⁸ A critical example of the kind of support that would have made a difference was disclosed in the offer from Andrew Meek between 07:11 and 10:23 that was never responded to, but in effect summarised the immediate steps that RBKC needed to adopt.²³⁹ Hetherington's offsite attendance at the SCG gave him no insight into the humanitarian crisis which, had he or someone on his

²³³ Mussilhy {T264/102/11} ("I thought we lived in a country where the people we vote for and the people that are put in place to look after its people, its most vulnerable people, would help, would come swooping in, and it never happened")

²³⁴ T1 M4 Opening {BSR00000186/3-7, 10-11 §§2.1-2.10 and §§2.14-2.15}

²³⁵ Team 1 M4 Opening {BSR00000186/30 §4.10}

²³⁶ Hetherington {T277/197/3-198/5}

²³⁷ Hetherington {T277/198/6-199/1}

²³⁸ Barradell {T279/34/7-22}

²³⁹ Meek {GOL00001166/2 §6} {GOL00001052}: "1. FFRC as soon as poss. BBC reporting people wandering from centre to centre looking for loved ones. Best to keep these people in one place with support. 2. Appoint HALO and plan 1st HASG for the pm. 3. Prepare for an Assistance Centre. Assume many practical and emotional needs, some v complex. 4. Use housing lists as basis for assessing individual needs. Appoint an Information officer to maintain the record of who is affected & how. 5. Mutual aid?": see Kerry {RBK00013296/10} (had noted Meek to be "London's expert on humanitarian assistance") SCG 06:30 14 June {MOL00000015/2 §7.1} (RBKC had told the SCG they would seek his advice, but they never did) Kerry {T269/118/16-123/9} (the Meek email was never read as Kerry went home and did not sufficiently check emails thereafter)

behalf been on the ground, would have been obvious. His 14:21 email to London colleagues took RBKC's account entirely at face value that they were "*managing within demands and assessing the exact need for support*".²⁴⁰ For that reason, despite mid-afternoon knowledge of mass casualties, more than several hundred displaced persons at informal rest centres and no clarity on the likely numbers affected, Hetherington still assumed that the borough was best placed to manage the response.²⁴¹

5.5. COMPLICITY: The call with Holgate and the key London figures at 17:30 on 14 June turned into an act of complicity in RBKC's incompetence. London Resilience could not conceive of anything more than eliciting Holgate's invitations for limited personnel to attend on the following day,²⁴² which itself was an exceptional event.²⁴³ The discussion extended to facilitating "*political*" support for a council that needed to be given a "*chance to do its job*" and in circumstances where public criticism (in a febrile post-election political climate) was "*starting to swell*".²⁴⁴ Hetherington assessed Holgate to be "*extremely... logical and sensible [and] going through the right steps*".²⁴⁵ Barradell registered "*a relatively positive picture...that they were within their capability [and] within their capacity*".²⁴⁶ Sawyer held back from what he saw as "*a chief exec to chief exec call*".²⁴⁷ Barradell accepts now that he should have been far more assertive in testing what he was told.²⁴⁸ At the time no one confronted the obvious: RBKC would never succeed alone. The task was too great. The landlord of a building leading on recovery, where that building had killed, injured and displaced, was untenable.

5.6. DISQUIET: During the second day disquiet set in: not just about events in Grenfell, but about LLAG's role.²⁴⁹ Once in situ at RBKC, Sawyer very quickly realised that RBKC was not ready to handle recovery: firstly because its arrangements were "*not robust enough*"; and secondly because of the "*complete loss of trust and confidence*" in RBKC by the local public that pre-dated the fire.²⁵⁰ His clear picture of incompetence and

²⁴⁰ Hetherington {LFB00061223} {T277/211/14-19}: clarifying that this was "*nothing more than a record of being told by RBKC that they were managing rather than [his] own assessment*".

²⁴¹ Hetherington {T277/211/21-212/6}

²⁴² Hetherington-Holgate et al 18:59 14 June {GOL00000181}: see also O'Brien {LOC00000004/3-4 §7}

²⁴³ Sawyer {T278/108/16-109/22} (attendance at a council was "*exceptional*" having done it twice 20 years)

²⁴⁴ Holgate {T273/123/17-125/20} Hetherington {T278/24/16-25/16} Barradell {T279/64/5-12}

²⁴⁵ Hetherington {T277/220/12-23}: see also Hetherington-Cameron et al 18:33 14 June {LFB00061227}

²⁴⁶ Barradell {T279/47/21-48/9}: see also {T279/51/10-21} (RBKC "*were a very confident council, and they projected competence, professionalism, ability...not backed up by action...or how they behaved.*")

²⁴⁷ Sawyer {T278/105/2} {T278/107/17-23}

²⁴⁸ Barradell {T279/48/17-49/15} {T279/218/2-8} see also Sawyer {T278/114/19-116/1}

²⁴⁹ Team 1 M4 Opening {BSR00000186/30 §4.10}

²⁵⁰ Sawyer {T278/124/16-125/13}

disconnection (neither of which had been fully revealed to London Resilience by its MSL process) told him that something more drastic was required; but the limits of LLAG remained.²⁵¹ As a guest of RBKC he could “*encourage, nudge, point towards areas to improve... rather than having the authority to go in and actually instruct and change*”.²⁵² Across regional and central government it became clear that RBKC could not do the job, but that reality did not prevent the false narrative of civic unrest that the SCG documented as an official reason for delay on the Friday morning.²⁵³ Hetherington’s emails show he too readily cited community tension to be the cause, not a symptom.²⁵⁴ Moreover, the discussion with Holgate on Thursday night into Friday morning that LLAG would be invoked did not mean that Barradell and others yet saw themselves as *taking over*. Hetherington’s emails across London Resilience referred to activating LLAG *to support* RBKC.²⁵⁵ Privately the position was more circumspect. Barradell and Hetherington couched their entry into RBKC on an exploratory basis, to discover what advice and support role they were yet to play.²⁵⁶ There was apprehension of going into uncharted territory.²⁵⁷

5.7. UNCERTAINTY: The point of transition from RBKC Gold to what became a Barradell led taskforce was fraught with legal and practical uncertainty. Perhaps the single most important revelation from the evidence is that Holgate (alone) from Thursday night saw it as a “*transfer of responsibilities*”; whereas all others were still conditioned by the LLAG protocol to see the endeavour in terms of the authorised provision of expert assistance.²⁵⁸ Arriving at RBKC on the Friday morning Barradell still contemplated LLAG as *standing by* the Chief Executive rather *than standing in his shoes*, such that once invited to Chair RBKC Gold after 2pm on Friday the service moved beyond anything previously conceived by London Resilience.²⁵⁹

²⁵¹ PART V [A] §5.1 ABOVE

²⁵² Sawyer {T278/136/4-12}

²⁵³ PART II [C] §§2.6

²⁵⁴ Hetherington-Cameron 18:11 15 June {LFB00061233} Hetherington-Emergency Planning Group 20:48 16 June {LFB00061239} (“...with community tensions rising, the initial push to move towards recovery will almost certainly not take place tomorrow unless these tensions reduce significantly”)

²⁵⁵ Hetherington-Gould et al 19:02 15 June {LFB00061236} and 20:48 15 June {LFB00061239}

²⁵⁶ Barradell-Parker 22:23 15 June {GOL00000158/1} (“we’re going to scope where we are in the morning and should have a clearer sense then”) Hetherington-Gould et al 22:04 15 June {LFB00061240} (“LLAG Activation - This will not take place before 13.00 most likely. John B will go to RBKC to see what he is signing up to before he officially activates LLAG”) (emphasis added); see Hetherington {T278/36/7-37/16}

²⁵⁷ Hetherington {T278/37/21-39/22}

²⁵⁸ Barradell {T279/83/2-84/8} Cf. Holgate {RBK00035426/8 §30} {T273/187/1-189/11}

²⁵⁹ Barradell {T279/19/22-25/21}; see also Hetherington {T277/55/20-56/19} Sawyer {T278/155/17-25} {T278/201/22-202/4} Bellamy {T282/72/8-12}

- 5.8. TAKEOVER: There was never a formal letter sanctioning Barradell taking control. Instead there was an email sent by Hetherington to London Chief Executives “*on behalf of*” Holgate and Barradell at 13:27 on 16 June 2017 that “*Following a request from RB Kensington and Chelsea for strategic support...the London Local Authority Gold operations have been activated*”.²⁶⁰ This is the document that RBKC rely on in their opening as making clear that the “*formal transfer to London Gold had been completed by 1327 hours on 16 June when Hetherington*” sent that email.²⁶¹ The email does not say in terms that Barradell has taken over.²⁶² Naylor who was duty-LLAG understood the email to say “*that Nicholas Holgate was still in command of the response*”.²⁶³ Despite RBKC’s pleading post-facto descriptions of a “*formal transfer*” of power in their opening,²⁶⁴ there is no further document that we have found from RBKC to confirm what amounted to an oral request from Holgate. Paget-Brown was informed at lunchtime of the “*initiation of the London Gold operation*”; but seemingly neither consulted beforehand, nor asked to put the decision to Cabinet or Council.²⁶⁵
- 5.9. CONSTRUCTION: The final impetus to improvise this unprecedented arrangement came from Jo Farrar. As DCLG’s departmental Director General for Local Government and Public Services she arrived to meet Holgate in the Town Hall in late morning to find Barradell still only in a support role. She pressed for him to take over as full time Gold Command outside of the normal duty LLAG system, with a RED secondee, all of which was achieved by her texting Melanie Dawes, as permanent secretary, and making a single call to John O’Brien, as Chief Executive of London Councils.²⁶⁶ Later that day the national security adviser was told that Barradell would be the “*go-to-person*” for COBR (albeit Holgate might attend meetings out of sensitivity).²⁶⁷ Barradell’s “*grip*” was celebrated.²⁶⁸

²⁶⁰ Hetherington 13:27 16 June {LFB00061250}

²⁶¹ RBKC M4 Opening {RBK00068467/33 §128}

²⁶² Barradell {T279/131-132/22}

²⁶³ Naylor {GOL00001603/9 §26}

²⁶⁴ RBKC M4 Opening {T263/131/10-21} and {RBK00068467 at p.3 §11, p.4 §12, p.29 §115, p.31 §121, and p.33 §128}

²⁶⁵ Paget-Brown {RBK00035001/25-26 §115, p.27 §122}

²⁶⁶ Farrar {T284/137/7-143/17} {CLG00030414/16 §79}: see also Dawes {T285/146/11-148/4}

²⁶⁷ Dawes-Sedwill 20:26 16 June {CAB00002932} (“*you may find that Nick is on the line too, because of the sensitivities - but you should ask John all the questions.*”)

²⁶⁸ Sedwill-Dawes 23:47 17 June {CAB00002980/2} (at COBR meeting “*John B’s sense of grip was palpable...*”): see also Gratton 13:14 18 June {CAB00005850/19-20} (“*John Barradale...sounded like he had a massive grip on the situation...*”), CO briefing for Grenfell Recovery Taskforce Meeting 19 June {CAB00000153/1} (“*...John Barradell has got a grip of the situation...*”), Richardson {CLG00030412/24 §91} (“*...All reports from Gill McManus, Melanie Dawes and Jo Farrar [on Friday], were that there was a palpable feeling of grip now that John Barradell was in place...*”)

The press release issued on the Saturday evening that condemned the initial response “*as simply not good enough*” introduced the new “*Grenfell Tower Response Team*”.²⁶⁹ This was not LLAG. It was a joint creature of London Resilience and Central Government. Whatever improvements it made in the long run, the power of this improvised construct was founded upon the barest of legal foundations.

VI: STATE

[A.] DISCRETION

6.1. CIVIL CONTINGENCY IS NOT DISASTER MANAGEMENT: Viewing the disaster through the lens of people and community up through the layers of state truly brings home that the UK does not have a disaster management system.²⁷⁰ The major flaw of the CCA regime is its unjustifiable gamble on a given local authority being sufficiently effective in its preparation; especially in the aftermath of a place specific disaster that has led to the mass displacement of socially economic and otherwise disadvantaged populations. The extent to which people and community are not properly accounted for in the present system has been dealt with in PART I above. Additional context for the failed wager are (a) central government has designed itself out of statutory duty under the CCA, (b) subsidiarity as a form of localism is not subject to effective accountability or auditing, and (c) state agency (both central and local) enjoys deference to its discretionary area of judgment in its management of emergency – such that the failure of preparedness before a crisis means it is extraordinarily difficult for ordinary people to enforce their rights in real time when they most need them, or even when the dust has settled. But for this Public Inquiry (and the decision to include aftermath in the terms of reference) the causes of this damage done to BSR by this aspect of the disaster would have gone largely without analysis. All of these causes fall under the category of executive discretion.

6.2. DUTIES: Central Government departments are not scheduled responders under the CCA.²⁷¹ That leaves them with various powers, not duties. These include “*monitoring*” to require

²⁶⁹ Hetherington-London Chief Executives 21:49 18 June {LFB00061258}

²⁷⁰ T1 M4 Opening {BSR00000186/4 §§2.3 and 2.14} and {p. 25 §24.1}. As put in oral opening {T263/20/16-21/4}, “*Stepping back, there is no sophisticated system somewhere in central London with plans, data and specialists that can grasp reality quickly and effect change. Indeed, there is not even an audit of what the state of readiness is in any given locality. Neither is there a local London hierarchy primed to take over. That is a fantasy. But before Grenfell Tower and then COVID-19, the political classes were not making that clear. Now everyone should know. The entire system wagered on the local authority having the capability and capacity to deal with matters on the ground or call for London centralised command, and in the case of RBKC, that wager fundamentally failed and the system crashed*”.

²⁷¹ CCA Paragraphs 9 and 12 of Schedule I

other statutory responders to provide information about their own acts, or omissions.²⁷² It can make “orders” to require or permit responders, third parties or itself to take action, with such orders subject to affirmative resolution by Parliament.²⁷³ However, in case of “urgency” (with prorogation being an obvious example, but humanitarian need presumably being sufficient) a Minister may make “written directions” to act in place of “orders” that remain in force for up to 21 days and which require no legislative scrutiny.²⁷⁴ Before and during the Grenfell aftermath these powers lay fallow. The lack of monitoring explains why subsidiarity is a gamble when there is no effective system of auditing (see paragraph 6.3). Although they did at one stage consider appointing Commissioners,²⁷⁵ the idea that Government should have *ordered* (and in the urgent interim, *directed*) London resilience specialists to take over RBKC’s recovery response by virtue of its CCA powers was not considered at any time by DCLG or the CCS.²⁷⁶ Instead Holgate and others were prevailed upon to let the ad hoc structure take control.²⁷⁷ Professor Clive Walker has described Central Government under Part I CCA as too much of a “ghost in the machine”.²⁷⁸ The recent National Preparedness Review (like the original parliamentary scrutiny of the Civil Contingencies Bill) recommends that the full suite of Category 1 duties should be placed on the UK Government, and that regulations and statutory guidance should provide a clear definition of the roles, responsibilities and accountabilities of relevant departments and agencies in the implementation of those duties.²⁷⁹

6.3. ACCOUNTABILITY: The effective discharge of the duties of any statutory responders is unpredictable without oversight and accountability. The point has already been pressed in Module 6 regarding UK Fire and Rescue Services.²⁸⁰ It is especially unsuitable that subsidiarity should prevail without proper auditing and inspection through the establishment of an independent agency. Again, original scrutiny of the CCA in its draft

²⁷² CCA 2004 s. 9

²⁷³ CCA 2004 ss. 5(1), 5(3) and s.17(2): by s. 5(4) 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.

²⁷⁴ CCA 2004 s. 7

²⁷⁵ Farrar {T284/102/1-103/4}

²⁷⁶ Farrar {T284/146/7-148/12} Hammond {T280/93/14-95/1} Dawes {T285/204/4-206/1}

²⁷⁷ PART IV [B] §5.9

²⁷⁸ Walker and Broderick, *The Civil Contingencies Act 2004, Risk, Resilience and the Law of the United Kingdom* (Oxford, 2006) §§9.33-9.34 pp 295-297

²⁷⁹ National Preparedness Commission Review {INQ00015154/15} {Rec. 30 p. 37-38}. The same was advocated by the Joint Committee on the Draft Civil Contingencies Bill 2002-03 HC1074, HL (‘Draft Civil Contingencies Bill’) 184 §§101-102 querying the “bottom-heavy” nature of the regime and “cloak of invisibility” drawn over the regional and central tiers: <https://publications.parliament.uk/pa/jt200203/jtselect/jtdcc/184/184.pdf>

²⁸⁰ T1 M5/6 Closing {BSR00000098/58 §§3.29-3.30} M6 FRS Addendum {BSR00000194/2 §§1.3-1.6}

stage advised as much, but the advice was ignored.²⁸¹ The CCS self-avowedly does not discharge an inspectorate role.²⁸² Neither CCS nor DCLG used the monitoring power under CCA s. 9 to give them a sufficient “*radar*” of how RBKC might perform when faced with a major incident.²⁸³ London Resilience was not much better informed²⁸⁴ because its voluntary system (like all aspects of Local Resilience forum under the CCA²⁸⁵) relies on self-assessment and limited peer review with no enforcement.²⁸⁶ The National Preparedness Commission views the current validation and assurance arrangements as “*wholly inadequate*” because “*they have no teeth*” and “*there are no systematic arrangements in place to generate an assessment in the centre of government of the overall quality of resilience in the UK*”.²⁸⁷ CCS’ own review in effect accepted this, recognising that the audit methodology is not “*robust*”²⁸⁸ whilst remaining resistant to the creation of national mechanism.²⁸⁹

6.4. REFERENCE: The lack of accountability of contingency planning is compounded by limited rights of redress for ordinary people. The CCA envisages that the Government and Category 1 responders (no mention of others) can litigate in the High Court over non-compliance with the legal framework.²⁹⁰ If (amidst the shock and trauma of immediate aftermath events) an affected BSR sought to challenge Government on its response and recovery effort, they would face litigation difficulty in that the executive is legally regarded as enjoying a discretionary area of judgement in the governance of security and emergency. Decisions made in relation to such matters are generally held to lie within the expertise and constitutional competence of elected officials and their advisers, rather than

²⁸¹ Draft Civil Contingencies Bill §§17-19 and §§245-253

²⁸² Cabinet Office M4 Opening {CAB00014866/3 §7}

²⁸³ Farrar {T284/30/10-32/10}

²⁸⁴ Sawyer {T278/124/16-125/13}

²⁸⁵ T1 M4 Opening {BSR00000186/5 §2.5} and PART V [A] ABOVE: also Hetherington {T277/60/1-4} {T277/92/10-93/18} {T277/146/8-10} Bellamy {T282/98/4-99/19} {MOL00000025/5 §18}

²⁸⁶ Hetherington {T277/156/8-15} (“*So we’re not auditors and that wasn’t our role. [MSL self-assessment] was something...better than nothing*”) Sawyer {T278/80/2-81/7} {T278/82/17-83/3} {T278/171/23-174/14}: see also Sean Ruth, *An Assurance for London and Local Government ‘Providing Individual and Collective Assurance’* (February 2018) (‘Ruth Review’) {GOL00000138/27 §§6.9-6.10}

²⁸⁷ National Preparedness Commission Review {INQ00015154} recommending the creation of a “*genuinely rigorous performance monitoring regime requires external, independent review*” {p. 30} {Rec. 106-108 p. 49}: see also 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}; Ruth Review (2018) {GOL00000138/15-17 §§4.1-4.10 p.37 §9.5}

²⁸⁸ National Security Capability Review, *Understanding Local Capability*, September 2017 {CLG00030813/4}

²⁸⁹ Sawyer {GOL00001839/8 §59-60} {T278/178/1-19}

²⁹⁰ CCA 2004 s. 10

the courts.²⁹¹ Other than where there is a real and immediate risk to life, or equivalent threat of injury, it is unlikely that a Court will query Government decisions over emergency; especially where the CCA itself contains no duty to act, and where, in the case of recovery, the relevant guidance is non-statutory.²⁹² While Government could compel a struggling Local Authority to act or instigate the assistance of regional government, the BSR were powerless to mandate either Central, Regional or Local Government to exercise their powers.

[B.] SYSTEM FAILURE

- 6.5. CATEGORISATION: Without its own planning and conduct duties under CCA, the CCS and DCLG floundered in the first two days of the aftermath by misjudging the scale of the crisis with consequences for the nature of its engagement. Of significance was the failure throughout to formally categorise the emergency in accordance with Central Government Concept of Operations (ConOps).²⁹³ 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 number of departments and agencies*” it increasingly presented as a unique form of (L3) i.e. with “*Exceptionally high and potentially widespread impact*”. However, apparently in common with other higher-level emergencies that the CCS considers, 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.*”²⁹⁴
- 6.6. CONSEQUENCES: The consequences of failing to apply the ConOps policy was that the assumptions prevailed in favour of status quo subsidiarity, whereas a ConOps evaluation via scaled up COBR meetings would have triggered formal central government support and coordination.²⁹⁵ As Dawes would put it to the Cabinet Secretary, once Barradell assumed command on 16 June and declared the event “*more complex than 7/7*”, there was “*one clear lesson: we should have had a PM-chaired COBR on Weds*”.²⁹⁶ Katherine Hammond defended not activating COBR and the various features that would follow under

²⁹¹ See, generally, Sir Michael Fordham, ‘Judicial Review Handbook’ Seventh Edition 2020 (Hart) [13.1.5] [13.5.2]

²⁹² T1 M4 Opening {BSR00000186/8 §2.11}Hammond {T280/133/8-24}

²⁹³ ConOps {CAB00000026/8-9 §§1.8-1.9 Levels 1-3} and Annex B {68}

²⁹⁴ Whitehead {CAB00014857/4 §15} Gratton {CAB00014853/4 §§11-13, 15-16, 62-63} {CAB00000026/9 §3}

²⁹⁵ Hammond {CAB00014764/12 §37} Cf. {T280/158/10-159/22} (suggesting the matrix is “*a guide rather than hard-and-fast-rules*”)

²⁹⁶ Dawes-Heywood 19:49 16 June 2017 {CLG00008533} Dawes {T285/214/4-8}

ConOps as essentially an issue of form over substance,²⁹⁷ but that is both incorrect and disingenuous.²⁹⁸ First (in the absence of the unavailable Home Secretary²⁹⁹) it limited the weight of oversight to a junior Minister in Nick Hurd (two days in office) who had no relevant experience.³⁰⁰ Second, it sent a key message to local responders that central government oversight vested in junior ministerial monitoring as opposed to senior intervention mode.³⁰¹ Third, it stalled the extent of cross-departmental assessment and common understanding of core features of ConOps, such as the likelihood of “*wider consequence management*” or “*impact management*”.³⁰² Fourth it allowed Government to maintain a stance of *expecting to be asked for assistance* rather than proactively seeking it or imposing it.³⁰³ Fifth on some level there is a relationship between the status of the meeting and the degree of ‘ground truth’ it would have gleaned;³⁰⁴ for example it is difficult to think of a COBR meeting led by the Prime Minister with high ministerial and civil service ranks in attendance and for Holgate’s absence (even if for administrative error) to go without such notice or concern as it did at the meeting on 14 June.³⁰⁵

6.7. ASSESSMENT: Applying ConOps in a systematic way would have brought about more consideration early on that a social housing tower block fire in North Kensington that had likely led to mass displacement and fatality was going to create an extraordinary political, social and economic impact, which could never sensibly sustain under orthodox subsidiarity.³⁰⁶ Likewise, it would have concentrated minds much sooner that there was going to be a massive problem on the ‘accuracy, timeliness and consistency’ of public information that Central Government needed to become involved in developing this in conjunction with local responders.³⁰⁷ This kind of assessment would have caused Government to question their assumption that the situation was capable of being managed “*extremely well by local responders*” without significant external support.³⁰⁸

²⁹⁷ Hammond {T280/211/9-20} {T281/197/2-198/11}

²⁹⁸ Cf. Hammond {T280/196/19-197/16} (accepting that she did not consult ConOps at the time)

²⁹⁹ Wainwright-CCS 10:04 14 June {CAB00000337/1-2}

³⁰⁰ ConOPs {CAB00000026/45 §4.2(iv)} (requiring PM, Home Secretary, or some other senior Minister) Cf. Hurd {T282/108/7-14} {T282/114/15-115/13} {T282/120/17-121/2}

³⁰¹ Whitehead {CAB00014857/4 §15} Cf. Hammond {281/194/19-195/25}

³⁰² ConOPs {CAB00000026/27-28 §3.23-3.25}: see Dawes {T285/20/8-21/2} {T285/215/5-8}

³⁰³ Hammond {T280/186/22-188/25} {T280/190/12-17}

³⁰⁴ Cf. Hurd {T282/126/11-128/6}

³⁰⁵ Hurd {T282/129/7-131/7} (not realising he was absent) Hammond {T281/3/14-9/10} {T281/20/13-26/4} (the two versions of the Minutes attributing words to the Mayor and then (as error) to RBKC)

³⁰⁶ Cf. T1 M4 Opening {BSR00000186/26 §4.3}: the highest parts of Government knew almost instantly that the situation required exceptional state intervention, but this was not fed into a common assessment.

³⁰⁷ ConOPs {CAB00000026/33 §§3.40-3.41}

³⁰⁸ Hammond {T280/210/20-211/8}

- 6.8. AWARENESS: The logic of subsidiarity could not work when Central Government remained unaware of when it was time to scale up. The lack of pre-situational awareness was caused by the absence of inspection or national auditing (SECTION [A] §6.3 ABOVE), but the government liaison officer ('GLO') system deployed by RED from the morning of 14 June also failed to identify RBKC's shortcomings. They could not see during the several SCG meetings across Wednesday and Thursday what was obvious to senior civil servants when Holgate attended the Ministerial meeting at 3pm on the Thursday.³⁰⁹ Resources and training obviously impacted on this. Staff numbers within RED were below the assessed need.³¹⁰ Ordinary GLOs were neither briefed nor trained to assess (and if necessary challenge) Local Authority competency.³¹¹ Gill McManus, the most qualified to make assessment of such a crisis, understood the role of GLO as being limited to simply attending the SCG remotely and making the general offer "*Is there any help required?*".³¹² In any event, she was on leave on 15 June and did not realise until her first visit on 17 June that Holgate had refrained from activating LLAG for the first two days.³¹³ Jo Farrar found actual attendance at RBKC to interact with Holgate and his team to be important.³¹⁴ Others, including Michael Gove³¹⁵ and the Prime Minister, only came to see the problem holistically, in a way in which the Whitehall based analysis was lacking, after belatedly visiting the area and meeting with community groups and BSR. Had they visited and communicated the problems they encountered earlier, prompt intervention would have been more likely.³¹⁶ While Government had the power to intervene under Part I CCA, its organisational capacity to do so in a timely and informed fashion – especially via DCLG as the lead department – was limited.³¹⁷
- 6.9. INTERVENTION: However, when Government intervention finally came, it did so through Jo Farrar armed with a mobile phone and prevailing upon Holgate and Barradell in a

³⁰⁹ Hammond {T281/48/18-51/19} {CAB00002899} Hurd {T282/168/13-169/22}: i.e. making it all the more incongruous that the Holgate's absence at the meeting on 14 June was not a source for concern (ABOVE §6.6)

³¹⁰ Resource mapping: RED {HOM00029881 row 30 item 23} {row 31 item 24} Dawes {T285/179/10-23} "*there's no question that we were doing it on very sparse resource*"

³¹¹ Welch {CLG00030737/5-6 §§22-23} Cf. Identifying Overstretch {CAB00014822} (post fire training)

³¹² McManus {T283/87/24-89/4}

³¹³ McManus {CLG10009725/11 §39} {CLG00030739, p.8 §30, p.10 §34}

³¹⁴ Farrar {T284/151/9-22} {T284/154/11-17}: see also Richardson {CLG00030412/27-28 §105} McMannus {T283/60/13-61/23}

³¹⁵ Gove-Barwell 17:57 19 June {CAB00006378}

³¹⁶ Dawes {T285/155/18-156/23}

³¹⁷ Tallatine {CAB00014827}

corridor at the Town Hall.³¹⁸ No official direction or orders were required. Whatever benefits derived from this informal seizure of power, with nothing but Hetherington's 13:27 email on 16 June about LLAG being activated to show for it and continued confusion about LLAG's role throughout response and recovery, the event cannot be regarded as evidence of the subsidiarity-resilience system working well as has been portrayed to this Inquiry.³¹⁹ Neither should the CCS be content with the quality of its coordinating oversight and expert advice across the days of emergency.³²⁰ CCS have been critical of RBKC's lack of "grip", but as Melanie Dawes accepted, the failure to "grip" the situation extended to Central Government and could have been prevented "*if it had been clearer in the way that Central Government systems and decisions operated*".³²¹ It is telling that Katherine Hammond remained resistant to the idea of creating rapid emergency task forces to be deployed at future events of potential significant scale in the 2017 Queen's Speech.³²² She thought it would disincentivise "*Cash strapped local authorities [who] would happily de-prioritise resilience work in some areas*" especially as "*LRFs are...things that happen on top of the day job for most members*".³²³ But that was still no answer on how to scale up when the local responder could not cope. Pre-Grenfell CCS 2020 workstreams (carried out in 2015) had acknowledged that 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*".³²⁴ Central Government had left itself without the capacity to prepare for the Grenfell type, place specific disaster and without the capacity to rapidly scale up in its wake.

[C.] BUREAUCRACY

- 6.10. LANGUAGE: The policies and lexicon of the Cabinet Office and London Resilience entail a conversation that is limited to a few stakeholders who speak the language of resilience/subsidiarity. Like all specialist languages it can have implications for separating the speaker from others; but this language risks being particularly disconnecting;

³¹⁸ PART V[B] §5.9 ABOVE: Cf. Hammond {T281/78/8-80/14} (assumed transfer negotiated by the Mayor's Office)

³¹⁹ Dawes {T285/173/11-23} Hammond {T281/206/3-207/3}

³²⁰ Cabinet Office M4 Opening {T263/179/22-180/4} (On the CCS response to Grenfell: "*....the overall picture from the CCS's perspective, I emphasise, was a satisfactory one.*")

³²¹ Dawes {T285/213/14-214/8}

³²² {CAB00014746} https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/620838/Queens_speech_2017_background_notes.pdf (p 6)

³²³ Hammond-McGuinness 08:58 21 June {CAB00002962/1}

³²⁴ Civil contingencies: Role of the local tier [draft] {HOM00030452/4-5}: see PART II[E] §2.15 ABOVE

especially here where it caused officials in Whitehall and London to view themselves primarily as allies in waiting to the subsidiary state levels below them; rather than in humanitarian service to BSR. Within this short-sighted version of ‘resilience of state’, RBKC officials were perceived as a ‘*safe pair of hands*’ partly because of connections to Whitehall.³²⁵ By contrast, the resilience lexicon did not instinctively embrace those actually affected, who were referred to in summary read-outs as the “*embittered*” and the “*mob*.”³²⁶

- 6.11. DIGNITY: This last evidence gathering module for the Inquiry has followed several years of the panel considering industry and government. To have heard BSR evidence is a profound reminder that the foundation of government, economics and law should be the people. While respect for the inherent dignity of the person is a core value of common law, and global human rights,³²⁷ it did not function as an overriding objective in the bureaucracies that dealt with BSR before, during and after the fire. The rationalist professional outlook of modern bureaucracy has taught itself to be distant and disconnected from people or communities, and especially people and communities who may be marginalised on grounds of class, race and disability. The damage done by such discrimination is profound; it is anti-social.³²⁸ What is needed is a discipline and practice of respecting dignity as a fundamental feature of what it means to be in civil, political and social service; and if industry cannot follow suit it must be stopped from profiting.³²⁹ To understand the absence of this dignitarian commitment following the Grenfell Tower fire, one only needs to look at the way in which an experience of the inherent dignity of BSR influenced the perspective of people like Nicholas Hurd and John Barradell.³³⁰ As people

³²⁵ Dawes {T285/57/10-58/4}

³²⁶ Taggart-White – DCLG RED 12:36 15 June 2017 (email containing read-out of 11:00 SCG) {CLG00013208}

³²⁷ Sir Hersch Lauterpacht *General Theory of International law* (1970) identified it as the foundation of all law: “The principle ...that the individual human being is the ultimate unit and end of all law, national and international, and that the effective recognition of the dignity and worth of the human person and the development of human personality is the final object of law.”: see also *R (A, B, C, X and Y) v East Sussex County Council* [2003] EWHC 167 (Admin) §86, *Pretty v United Kingdom* (2002) 35 EHRR 1 §65

³²⁸ *R (Elias) v Secretary of State for Defence* [2006] WLR 3213 ([2006] EWCA Civ 1293) §§270-271: the negative psychological effect of discrimination can cause profound “loss of dignity and self-esteem”. Damage to dignity damages society. It produces a “sense of alienation,....mistrust of institutions,”, is “detrimental to social cohesion” and hinders “social and economic progress”. Society “loses the benefits of the talents of these individuals and the different perspectives that they can bring to the solution of the problems facing business or society.” We all benefit “when each individual realises his or her potential”

³²⁹ See, e.g. *Care Act 2014* s. 1(2)(a) that creates a statutory duty on local authorities in the context of adult social care to promote the well-being of individuals, by having regard, inter alia, to “personal dignity (including treatment of the individual with respect)”

³³⁰ PART II [D] §2.12: Hurd {282/209/23-210/19} Barradell {T279/218/21-25} Sawyer {T278/202/16-203/23}

with power their evidence to this Inquiry registered what it is like when respect for human dignity becomes the overriding value of social relations. It is highly unlikely that human and community resilience will develop when those in government act without it.

VII: CONCLUSION

- 7.1. From family to central government the effect of crisis is to show more of the moral and practical life of those units than would normally be the case. People suffered in the aftermath of Grenfell because of an inhumane borough, but that suffering was also caused by the design of the civil contingency system and its ambivalence towards equality and respect for human dignity. The fact that this Inquiry is not a commission into social housing or the future of the welfare state should not stop it from reporting on how contemporary democracy has become anti-social to the extent that the people who lived, survived or lost loved ones from this fire had to pay such a terrible price.

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17 June 2022