

FBU’s Written Opening Submissions for Module 1 of Phase 2

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- 1) The FBU and the firefighters and Control staff we represent remain:
 - a) humbled by the suffering of the deceased and the bereaved, survivors and relatives of the deceased (BSRs) as a result of the Grenfell Tower disaster; and
 - b) committed to a full and open inquiry.
- 2) We acknowledge and endorse the Chairman’s finding in his Phase 1 report that the Control staff on the night faced a challenge “*wholly outside their experience and training*” and any shortcomings “*were in the main systemic in nature*” (paras. 29.1-29.2).
- 3) We further acknowledge and endorse the Chairman’s finding that the LFB provided the firefighters attending GT with no policy, procedure or training in how to recognise the need to evacuate a high rise residential building (HRRB) involved in fire, or how to implement such an evacuation. This systemic failing put the initial incident commander and those working under his command into an impossible position on the night, as the Chairman found for example at paragraph 28.46:

...

28.46 Although he recognised that the scale of the incident required greater resources, his training did not equip WM Dowden with the means of understanding the nature of the fire or how best to combat and contain it. Nor did it equip him to decide whether to undertake an

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evacuation of the tower or how best to do so. His failure to appreciate the significance of the information available to him must be attributed to inadequate training rather than incompetence on his part. He himself was candid in his PRC debrief, saying that at the point when he made pumps 15 (at 01.27.26) he “felt helpless”.³¹

...

- 4) The FBU is however deeply unhappy that the Chairman also concluded, at paragraph 28.6, that between 01:30 and 01:50 it was or should have been obvious that only a supervised mass evacuation would minimise the number of casualties. The Chairman acknowledges that this conclusion is arrived at without the benefit of hearing any expert evidence on this issue (his paragraph 28.5). We would add that the overwhelming preponderance of firefighter evidence given in Phase 1 of the GTI was to the effect that an evacuation was not feasible without an appropriately trained workforce. There are thus a number of issues lying behind the Chairman’s conclusion. In particular, the extent to which:
 - a) evacuation was feasible in the circumstances - we particularly identify the single narrow congested stairwell; the heat and smoke in the lobbies and the stairwell; the lack of any safe refuges, a central alarm or communications system; and the lack of adequate training, knowledge or experience of evacuating a HRRB;
 - b) evacuation was the “obvious” strategy given the assumption of compartmentation and the lack of training knowledge or experience of evacuating a HRRB;
 - c) lives would have been saved.
- 5) We ask the Chairman to keep an open mind on these issues and to revisit them in Phase 2 in light of the expert evidence on firefighting which has been commissioned by the GTI, sight of which we all eagerly await.
- 6) The FBU welcomes the Chairman’s recommendations that the government develop national guidelines for carrying out evacuations of HRRBs and that fire and rescue services (FRSs) nationally develop policies (and the training to support those policies) for such evacuations. However, we submit that these could and should have been by way of earlier interim recommendations to ensure that the process of national review and discussion commenced urgently, without

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delay. Indeed, the FBU called for similar action over a year ago and on more than one occasion (see the FBU’s proposals on interim recommendations and the FBU’s closing submissions to Phase 1).

- 7) Turning to Module 1 of Phase 2, the FBU maintains that this inquiry should be a turning point in fire safety and in the provision of FRSs. Occupants of HRRBs should not have to fear the risk of fire but should be reassured that a “layered approach” to fire safety providing “defence in depth” has been and is being applied and enforced to their homes.
- 8) Likewise, firefighters and control room operators should never again be put in an impossible position such as faced them on 14/06/17. The FBU is concerned that we are now two and a half years on from the fire and little action appears to have been taken to ensure this is the case.
- 9) Doubtless the GTI will probe witnesses thoroughly in this Module on how GT was allowed to be coated in a combustibile rainscreen cladding system and without adequate checks on compartmentation and without commensurate improvement of fire prevention and safety measures to safeguard the occupants in the event of fire.
- 10) The refurbishment (cladding, windows and kitchen vents) destroyed compartmentation. Yet all the fire safety measures in the building after refurbishment depended on compartmentation, e.g. a stay-put evacuation strategy, a single narrow means of escape, limited smoke ventilation, and 30 minute fire doors; absence of sprinklers, a central alarm or communication system, a wet rising main or a working fire fighting lift.
- 11) Irrespective of the regulatory regimes, the professionals and supervisors engaged on the refurbishment project assumed compartmentation would be maintained, and hence the adequacy of the fire protection, without ensuring at every stage that it would be achieved. This assumption appears to be a serious failure.

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- 12) Had it been appreciated that the proposed refurbishment would carry a real risk of a serious breach of compartmentation then the professionals and supervisors engaged on the refurbishment project must have taken steps to safeguard the occupants. There are many possibilities, the first of which was to change the design and specifications. If the design and specifications were not made safe, then heightened fire precautions were essential, the RBKC and the LFB should have been notified that compartmentation could not be assumed and appropriate strategies adopted. Ultimately, consideration should have been given as to whether it was safe for residents to live in GT.
- 13) The FBU hopes the GTI will probe into the knowledge, training and experience of the professionals and supervisors engaged on the refurbishment project both in its design, planning, building control and ‘execution of works’ stages and to ascertain the reasons (i) why fire safety was based on a false assumption by those engaged on the refurbishment project and (ii) why it slipped between the gaps in and between the several regulatory regimes which were supposed to ensure public safety.
- 14) The FBU has filed witness statements and it is not necessary to repeat them in these submissions. Suffice to say that the FBU has described three processes which it believes combined to render the regulatory regimes unfit for purpose, thereby facilitating the hazardous refurbishment, and to disable the LFB from responding effectively to the resulting Grenfell Tower disaster (GTD) when faced with total building failure, namely:
- a) the fragmentation of the national fire and rescue service, with the abolition of national standards of fire cover and the Central Fire Brigades Advisory Council (CFBAC), the old national advisory body for fire;
 - b) cuts to the LFB from 2008 to 2017; and
 - c) deregulation of building control and fire safety.

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15) The FBU therefore considers it relevant at this stage for the GTI to consider whether the following factors materially contributed to the Grenfell Tower disaster:

- a) the deregulation of building control and fire safety;
- b) the guidance in AD-B;
- c) the privatisation of the BRE;
- d) the funding, equipment and staffing levels in:
 - i) building control,
 - ii) social housing; and
 - iii) the LFB, both operationally (including Control) and in the Fire Safety Department;
- e) the abolition of the CFBAC and the lack of an adequate national body to replace it.

Lord Hendy QC and Martin Seaward, Counsel for the FBU

20th December 2019

IN THE GRENFELL TOWER INQUIRY

Chaired by
SIR MARTIN MOORE-BICK

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GTI**

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