Opening Statement to the Grenfell Tower Inquiry, Phase Two Module One

1. The commencement of Phase 2 of the Grenfell Tower Inquiry raises many questions which need to be addressed in respect of policies made and decisions taken before the fire. Modules 1 to 7 cover various points of issue, including the refurbishment of the Tower, which is the focus of Module 1. Whilst many of our clients feel that the Phase 1 proceedings are incomplete given that there are many questions that have been left unanswered, it is our goal to ensure that in Phase 2, the Inquiry will address all key issues and will leave no stone unturned. Our submissions for Modules 1 to 7 will reflect our clients' views and perspectives on the decisions taken which led to this catastrophic tragedy now over two years ago. These submissions will focus on Module 1 and the issues we hope will be scrutinised by the Inquiry team in order to bring clarity on the background of the decision making processes by key parties in relation to the refurbishment of Grenfell Tower.

2. Turning to the proposals made by the Chair for the scope of Phase 2, contained in the Phase 1 Report at Volume 4 Chapter 34:

> {"…the principal focus of Phase 2 will be on the decisions which led to the installation of a highly combustible cladding system on a high-rise residential building and the wider background against which they were taken…"}

3. This principal focus will lead us directly into Module 1 of Phase 2 and will form the basis of our submissions.

4. The Royal Borough of Kensington and Chelsea allocated a budget of £9.7m for the regeneration works in July 2013. Of that, £8.5m was allocated to the construction works. Leadbitter were the main contractor who were initially considered to undertake the regeneration works, however their cost plan of approximately £12m diverged too

drastically from the proposed budget. Thereafter, a re-procurement process was initiated in mid-2013, following the OJEU tendering process which included companies such as Rydon, Durkan and Mullaley as potential main contractors for the project. The invitation to tender was sent out in November 2013 by Artelia following the completion of the Pre-Qualification Questionnaire (PQQ).

5. All three complying tenders were assessed through various assessment matrices and interview stages which took place in March 2014, until Rydon's tender was accepted in May to June 2014.

6. In March 2014, Rydon were informed by Peter Maddison (of the TMO) that their tender was in the lead subject to some value engineering.

7. Rydon were subsequently awarded the contract for the refurbishment of Grenfell Tower for the position of design and build contractor.

8. We have carefully examined the disclosure that has been provided to us. From our analysis of the material, a number of key themes have emerged which run throughout the decision making process. These are:

    - Cost Cutting

9. The decisions taken by RBKC/Tenant Management Organisation (TMO) appear to be led by their budget, with cost cutting being the most important consideration at the time of decision making. Value engineering was a constant focus of discussions between the relevant parties. The term has two meanings which are intrinsically linked: value adding and cost cutting. We invite the Inquiry to consider which of these was applied in the case of Grenfell Tower: was value added as a result of this exercise, or was it, as we suggest, an exclusively cost cutting exercise?

- Lack of Coordination

10. We suggest that it is beyond peradventure that there was a lack of coordination between the parties involved in the refurbishment, all the way through from the design to the construction stage. This is clear from the reams of correspondence which has been disclosed by the Inquiry.

- Lack of Care and Skill

11. There was a demonstrable lack of care and skill by the contractors, resulting in the subpar quality work which has been identified by the experts post-fire. We invite the Inquiry to seek explanations as to how these contractors were appointed and whether they were competent enough to carry out their tasks on this project.

- Buck Passing

12. The disclosure shows that there was a constant attempt by individuals and organisations post-fire to blame each other. Parties and individuals have continuously passed the buck for responsibilities and decisions that should have fallen squarely in their remit. We invite the Inquiry to ensure that such buck passing does not continue in these proceedings and that parties' are held accountable for their actions.

13. It is our submission that these themes played an integral role in the decision making process such that they led to at least fifteen key opportunities when components of the cladding system could have, and should have, been identified as dangerous and unsuitable which would have avoided the tragedy that took place on the 14th June 2017. At each of these key opportunities, a party(s) had the chance to identify these issues and do something about it. They did not.

14. Decision to Undergo Refurbishment

RBKC/TMO

15. The initial decision to undergo refurbishment of the Tower was taken by RBKC/TMO. The reasons for their decision include:

1. {"…to improve energy efficiency and allow residents to control their own heating systems/energy."}

   (Claire Williams, TMO00840364 at paragraph 25)

2. {"…to make the building more thermally efficient…"}

   (Claire Williams, TMO00840364 at paragraph 155)

3. "…to improve the thermal performance of external walls."

   (Daniel Anketell-Jones, HAR00010149 at paragraph 19)

16. The TMO were the client for the project, and they, and, in particular Claire Williams who was the project manager, were involved in correspondence with the design team from the outset. Module 1 witnesses reiterate throughout their statements that cost cutting was the key motivator for RBKC/TMO. We submit that the RBKC/TMO's consistent focus on cost cutting led to a less than acceptable quality of work and further, clouded decisions which led to the use of less than acceptable materials.

17. At paragraph 41 of his witness statement Mark Anderson (of the TMO) says:

{"At the time I left the TMO in January 2013 the focus was very much on costings and viability rather than appointing any specialist contractors."}

18. Referring to the addendum to the status report (ART00006232) in May 2013, Simon Cash (of Artelia) states:

{"Value for Money is regarded as the key driver for the project…"}

19. In email correspondence dated September 2013 (ART00006105) between Bruce Sounes (of Studio E), Claire Williams (of the TMO), Phillip Booth (of Artelia) and others, Bruce Sounes highlights that:

{"…budgets force clients to adopt the cheapest cladding option."}

20. Mark Harris (of Harley) states at paragraph 23 of his witness statement that by March 2014:

{"….there was a real focus amongst the various stakeholders on value engineering."}

21. Chweechen Lim (of Artelia) states at paragraph 115 with reference to emails of July 2014:

{"Claire Williams was under pressure within the TMO on costs."}

22. Further, Simon Cash refers to an email chain (October 2015, ART00006206) where it is said that:

{"Peter (Maddison), reiterated that the key for him is still budget, then quality and finally time…"}

23. Zak Maynard (of Rydon) at paragraph 13 of his witness statements notes that the TMO made the decision on cladding primarily based on cost:

{"…the Client made a decision on what is the preferred option, probably based on cost…"}

24. We have set out snapshots from correspondence and information gathered in the period between mid-2013 to late 2015 above, which demonstrate that cost was the priority for RBKC/TMO, over and above quality of work. In short, as far as RBKC/TMO were concerned our client's lives were not worth it. Their lives were cheap. **This was less of a missed opportunity than a death sentence for 72 innocent people.**

25. <u>Testing and Certification</u>

26. Approved Document B is a building regulations document which covers fire safety matters within and around buildings. Contained within this document are provisions which set out the required level of fire resistance of materials to be used on the external walls of buildings over 18m in height. The requirement is that of 'limited combustibility' which refers to the susceptibility of the external walls to ignite from an external source and the flame spread which is measured using a system of classification for materials. A class 0 classification represents a material of 'limited combustibility' according to National Standards.

British Board of Agrement (BBA)

27. The BBA is an independent and accredited certification scheme which testifies the BBA's opinion as to compliance or contribution to compliance with Building Regulations. The BBA tested and issued a certificate, pursuant to a contract with Arconic (formerly known as Alcoa Architectural Products), for the accreditation of Reynobond Architectural Wall Panels. These are the cladding panels that were installed on Grenfell Tower. Dr Barbara Lane found that the product Reynobond PE in a cassette fixing (method of fixing the cladding to the building) was tested and found to be Class E which is substantially lower than Class B and therefore does not meet the requirements of Approved Document B (BLAR00000006 at paragraph 11.6.31).

28. It is clear that had these been tested correctly they would have been found to be non-compliant with building regulations and would not have been installed on Grenfell Tower. **This was a missed opportunity.**

29. <u>Manufacture and Marketing</u>

Celotex

30. Celotex were the manufacturers of PIR (insulation) boards, and of particular importance, RS5000 which was incorporated within the cladding system on Grenfell Tower.

31. Celotex RS5000 was tested at a BRE test centre in February 2014. The test was terminated prematurely as the fire spread was too fast that the test could not go on, as it would pose a risk to employees and the surroundings. This first test failed. A second test was carried out in May 2014 with thicker cladding panels used as part of the set up. This test passed. However after the test was conducted, some major concerns were raised by the National House Building Council (NHBC), with regards to the materials used with the insulation boards. This is because they were not a true representation of a typical rainscreen cladding system that would be installed on a building. Aluminium Composite Material (ACM) panels are typically used in conjunction with insulation

boards as part of cladding systems, however ACM panels were not used as part of the test, instead Marley Eternit panels (which is a different type of cladding panel) were used. The process that Celotex undertook is described by the NHBC as 'deliberate over-engineering' as Celotex made every effort to ensure that the RS5000 product passed the test no matter what (CEL00010052). Once the RS5000 product passed the test, when it really should not have, and it was marketed to suppliers and consumers. A leaflet from August 2014 shows that RS5000 was advertised as being:

{"Suitable for buildings above 18m in height…"}

32. It is clear that this assertion was not true because, as a matter of fact, RS5000 was not suitable for buildings above 18m in height. This then led to it being used as part of the cladding when it should not have because when it was actually tested, in September 2017, it failed to achieve the required performance to demonstrate that the material was a Class 0 material. This material should not have been used on Grenfell Tower. Celotex RS5000 has since been removed from the market.
33. RS5000 should not have passed the second test because the other components which formed part of the set up were not consistent with how cladding systems are built in practice. If the test was carried out in accordance with normal building practice, RS5000 would have once again failed the test and it would not have been installed on Grenfell Tower. **This was a missed opportunity.**

Arconic

34. Arconic produced Reynobond 55 Aluminium Composite Material (ACM) cladding panels which were supplied to contractors for Grenfell Tower. ACM can be produced with a fire resistant core (FR) or a polyethylene core (PE). It was the PE version that was supplied to Grenfell Tower. According to Dr Barbara Lane, Reynobond 55 ACM in a cassette fixing achieved a Class E status which is not a material of limited

combustibility and is substantially lower than what is required under the building regulations (BLAR00000006 para 11.6.32).

35. It is clear that Arconic should have recognised that the product they were selling was not suitable for its proposed purpose. They should have known, and perhaps did know, that they were supplying a material, which was to be sold in the UK, that failed to comply with UK building regulations. **To suggest that this was a missed opportunity is an understatement of the utmost gravity.**

36. <u>Material Selection</u>

Rydon

37. Rydon were the design and build contractor, so essentially they were responsible for all aspects of design and construction in relation to the refurbishment at Grenfell. Rydon subcontracted out the work to specialist contractors such as Harley Facades for the external façade works, JS Wright and Co for the Mechanical & Electrical works and so on. Simon Lawrence (of Rydon) states (RYD00094220 at paragraph 40):

> {"Rydon's role was to then manage and coordinate the work of those third parties…"}

38. While this may be the case, it is impossible to see how they could possibly relinquish responsibility for the work of their subcontractors.

39. Furthermore, turning to Rydon's 2011 Contract with Tenant Management Organisation. According to Rydon's contract (RYD00014000 at paragraph 2.17.2.3):

    a. {"the Contractor shall design and construct the Works in compliance with all Consents (including the discharge of any reserved matters in planning consents

relating to the Works), Statutory Agreements, Statutory Requirements, relevant codes of practice British Standards or EU equivalents and manufacturers recommendations and the requirements of the insurers of the Employer (insofar as details have been provided to the Contractor at the date of this Contract)."}

40. It is clear that whilst Rydon subcontracted out some work to specialists, they remained responsible for the delivery of the project which included ensuring compliance, or at the very least checking that contractors were ensuring compliance on their parts of the project.

41. Further in April 2015, a meeting was held in which Simon Lawrence (of Rydon) stated that there was (witness statement of Neil Crawford, Studio E, SEA00014275 at paragraph 245):

{"…no need to ask more questions as cladding has been signed off by Building Control…"}

42. From this comment, it is clear to see that Simon Lawrence (of Rydon), and possibly Rydon more generally, relied so heavily on the word of Building Control that they themselves did not, but should have, considered the suitability and compliance of materials. As the design and build contractor, Rydon was responsible for the delivery of the project, and according to Claire Williams of the TMO (TMO00840364 at paragraph 22):

{"As part of this arrangement Rydon were contractually responsible for ensuring compliance with all legislation, regulation, standards, guidance and for receiving all necessary Building Control approvals."}

43. Despite this and despite criticism raised around Rydon's performance on the project which culminated in April 2016 when Artelia made a formal complaint as regards to poor responsiveness to queries and the slow provision of required information to ensure that Artelia could develop their cost plans, Rydon did not act appropriately. In November 2015 there were email chains between Simon Cash (of Artelia) and Peter Maddison (of the TMO) (ART00006324) which are highly critical of Rydon and refer to:

    {"…[the] precarious position Rydon are in and that they do not seem to be heeding the advice being given to them to help get them to a satisfactory completion of the works."}

44. Rydon were appointed under a Design and Build Contract which meant that they had, and should have, taken full responsibility for not only the construction, but also the design. We submit that they failed to do so. **This was a missed opportunity.**

Studio E

45. Studio E were the architects in the main design team and were involved in the project from inception. Studio E prepared the National Building Specification (NBS) (SEA00000169) in January 2014 which included "Not less than 150mm for spandrel panels and 80mm for columns" of Celotex insulation in reference to the FR5000 product. It was Bruce Sounes (architect of Studio E) who suggested the cladding material change from zinc to aluminium (which was the material actually used on the Tower) when the TMO requested a 'value engineering' exercise to take place: what this essentially meant was cost cutting, so that materials which should have been identified by Studio E as being unsafe and unsuitable to be used on the Tower, were not.

46. Tomas Rek (of Studio E) has sought to defend their actions at paragraph 136 of his witness statement (SEA00014278) by stating that he would have:

{"…expected tenderers to have ensured that insulation in walls above 18m complied with the specified CWCT performance requirements…"}

47. Studio E were criticised by Mr Paul Hyett, the architect expert, for their failure to produce the proper amount of design that fell into their responsibility (PHYR0000007 at paragraph 12). The fact of the matter is that the materials were being discussed prior to the appointment of a main contractor, and tenderers were asked to make their tenders on the basis of a range of materials which were provided to them. The responsibility, therefore, fell on Studio E to ensure that the materials they themselves suggested were compliant. Not only that but, as Building Control expert Beryl Menzies states, the full plans application that was submitted by Studio E had insufficient detail so that compliance could be ensured (BMER0000001 at paragraph 303). **This was a missed opportunity.**

48. There is a necessity to consider the competence of these contractors further. Tomas Rek (of Studio E) states in his witness statement that he has no recollection of a discussion about compliance of materials with Building Regulations. While this does not suggest that a discussion did not take place, the fact that a member of the only architects' team cannot remember such an important discussion highlights the complete disregard for compliance issues. It is this attitude that allowed things to slip through the cracks as key issues failed to be identified until it was too late. Paul Hyett, the architect expert for the Inquiry, is highly critical of Neil Crawford (of Studio E), who was the day to day manager of this project, because at around 60% of the way through the construction phase, in Paul Hylett's words (PHYR0000005), Neil Crawford (of Studio E) asked:

{"…a question of the most fundamental kind about an issue [compliance of the cladding] that should have been firmly established prior to the release of Studio E's Stage D report – this is almost two years prior back in 2013."}

49. We submit that this was far too late and the issue of compliance was ignored. We invite the Inquiry to ask why these life or death questions were not asked and answered at the start of the construction phase?

50. We also invite the Inquiry to consider the culture of blame amongst the majority of the parties involved in the refurbishment of the Tower. This is most prominent on the issue of compliance.

51. To provide just one example: Neil Crawford (of Studio E) states that ensuring compliance is the responsibility of the Clerks of Works and Building Control who were checking the works (SEA00014275 at paragraph 257). The Inquiry is invited to ask whether this is right given that the problem lay with the initial design and the material selection which was driven by Studio E from the outset.

52. <u>Fire Strategy</u>

Exova

53. Exova were engaged on behalf of the TMO to provide fire consultancy services. They were tasked with creating an existing fire strategy report and a refurbishment fire strategy report. Cate Cooney (of Exova) was responsible for the existing fire strategy report and review it to ensure compliance of the fire provisions with building regulations and guidance. Terence Ashton (of Exova) was tasked with the refurbishment fire strategy and he states that:

> {"…the fire strategy is the approach taken, through active and passive measures, to ensure that a particular building achieves a generally accepted standard of safety…"}

54. He states that he was responsible for advising the type of measures that should be adopted as opposed to which specific materials to use, for example, the level of fire resistance that a fire door should have, rather than proposing a brand of fire door. Terence Ashton carried out three fire strategy reports for the proposed refurbishment, none of which, surprisingly, accounted for the overcladding that was proposed as part of the refurbishment. His explanation for this was that whilst he knew some overcladding was proposed in the scope of works, he was not provided with any information as to the cladding materials in order to take this into account, so he simply omitted this from his assessments. As per an email to Studio E in September 2015 (EXO00000708), Mr Ashton states:

> {"I've never seen any details of what you're doing to the external walls. Do you have any cross sections/elevations."}

55. To which Neil Crawford replies:

> {"Please see attached… The initial drawings from Harleys are fairly limited but they attempt to establish a basic approach."}

56. We submit that Exova failed to obtain important information to ensure their reports were complete, and Studio E failed to effectively communicate vital information which was needed for the reports to be accurate. In October 2012, which was the date of the first fire strategy report, or at least by 2015, Mr Ashton should have been able to identify that the proposed materials were unsuitable and would not comply with building regulations for fire safety.

57. **This was yet another missed opportunity** because the issues could, and should, have been caught at the design stage, even before Rydon was appointed as the main contractor. Put simply, if Exova had undertaken their job competently, they would

have realised that the materials used as part of the cladding system were unsuitable for their intended purpose.

58. It is, perhaps, worth noting in passing that there was serious confusion around fire breaks versus cavity barriers. Correspondence between Neil Crawford and Terence Ashton shows that while Mr Crawford refers to fire breaks, he actually means cavity barriers (SEA00013029):

> {"Have spoken to John [Hoban] and he wasn't happy with Harley's email as we are talking about fire stopping as opposed to cavity barriers…"}

59. While Mr Ashton notes this confusion in his witness statement, there is no record of him replying to this email to clarify the issue, though he says he would have replied if he had seen the email. This confusion is likely what led to the inaccurate advice from Exova who were consulted on fire safety matters.

Carl Stokes

60. Carl Stokes was an independent Fire Risk Assessor who tendered for the job in the summer of 2010 and was responsible for conducting Fire Risk Assessments (FRAs). He undertook four FRAs over the course of four years, from 2012 to 2016. He describes the methodology he followed when undertaking the FRA in his witness statement at paragraph 42 (CST00003063) as follows:

> {"When undertaking FRAs at the Tower, I was therefore essentially looking for anything in the Common Parts which would or could negatively impact the integrity of the compartments, thereby undermining the compartmentation principle on which the Tower was built, and in turn the fire safety of the Tower…"}

61. Carl Stokes was working under the premise that the principle of compartmentation was the underlying principle which governed the 'stay put' policy. It is our submission that Carl Stokes should have considered whether compartmentation was actually effective in the Tower during his Fire Risk Assessments. Carl acknowledges that changes to the façade works could affect the integrity of the compartments in the building, however he states that it was not in his remit or expertise to consider whether materials that were being used were compliant with building regulations in relation to fire safety. And further, he wrongly assumed that they were compliant.

62. **This was yet another missed opportunity** for the issues to be identified and rectified. Mr Stokes should have enquired further about the specific changes that were being made to the façade and how these changes would affect the integrity of compartmentation. If he had done so, it is likely that lives may not have been lost.

63. <u>Supply of Materials (including Reynobond ACM panels and PIR insulation)</u>

SIG Plc

64. SIG supplied the PIR boards to Harley Facades to install as part of the cladding system. They purchased the products from Celotex following the marketing material which stipulated that the RS5000 would be suitable for buildings over 18m in height. Acting as the suppliers they bought the product and sold it on without satisfying themselves of its compliance or alerting Harley to the need to check whether the product was compliant. **This was a missed opportunity.**

CEP

65. CEP supplied the Reynobond ACM panels and aluminium window frames to Harley for the refurbishment of Grenfell Tower. Harley purchased a variety of different insulation boards as part of the RS5000 range including RS5080 and RS5100, which essentially refers to the thickness of the insulation board, 80mm and 100mm

respectively. When CEP purchased the cladding panels from Arconic, they should have checked that they complied with UK building regulations. **This was a missed opportunity.**

66. Fabrication and Preparation

CEP

67. CEP also fabricated the Reynobond ACM panels and aluminium window frames. Fabrication refers to the preparation of materials so that they are ready for installation. They claim that the selection and review of materials can only be done in the context of the full cladding system, information for which they did not have. They state that Harley and Studio E had this wider information therefore they were responsible for ensuring that the whole cladding system was compliant with building regulations. However, Geof Blades states that CEP offers design services as part of the development of the cladding system, with the assistance of a consultant. This suggests that CEP would have experience in recognising whether materials were suitable and compliant with regulations. Further, Geof Blades worked at CEP for eighteen years by the time of the refurbishment of the Tower and started his career in this field much earlier than that, which suggests that he should have recognised the issues with these materials.

68. Geof Blades states at paragraph 31 of his first witness statement (CEP00064244) that:

> {"CEP relied upon information provided by the manufacturer in this regard and thus such confirmation would often be done through the provision of a BBA certificate received from that manufacturer..."}

69. We submit that this was simply not good enough. At this point if more questions had been asked or greater care taken, CEP should have identified that there was a potential

issue with this use of material, especially paired with the PIR insulation boards, and should have alerted the installers Harley to these concerns. **This was a missed opportunity.**

70. Installation

Harley

71. Harley were the envelope package contractor so they were responsible for the installation of the cladding. They purchased the PIR boards (RS5000 largely) from SIG Plc who in turn sourced the insulation from Celotex. Further, an amount of Kingspan K15 was found on the Tower post fire and it is now clear that an order of Celotex was substituted with an order of Kingspan K15. Ben Bailey (of Harley) explains that this was because their order of Celotex RS5000 was mistakenly sold to another company and so they had to replace this batch. SIG Plc assured Harley that they were swapping like for like, and Harley assumed that this was the case.

72. Harley suggested the use of ACM cladding panels, referring to their suggestion as being made "from a Harley selfish point of view" because they were confident with the cost.

73. Daniel Anketell-Jones (of Harley) in his witness statement states:

> {"Harley would definitely have relied upon third party advice, in particular that of the design team, that is, the architect, the fire consultant as well as Building Control…"}

74. Given that Harley are referred to as 'cladding specialists' throughout the disclosed materials, it is expected that compliance with building regulations should have been seriously considered when installing materials. Having looked at the evidence, it is

clear that Harley relied on information given to them by the manufacturers of the materials and also from the design team, without making their own judgements. There was an opportunity before these materials were installed for contractors to confirm that the materials that they were installing were safe and compliant with Building Regulations. **This opportunity was missed.**

75. The culture of blame that we have highlighted above is prominent throughout Harley correspondence. Harley maintain that they relied heavily on architects, the fire experts and RBKC Building Control to ensure that materials were compliant with the relevant Building Regulations (witness statement of Daniel Anketell-Jones HAR00010149, at paragraph 74). Given that Harley are specialist cladding installers, it is surprising that they seek to abdicate their own responsibility to deliver a cladding system that was compliant with the relevant building regulations.

76. <u>Installation</u>

RBKC Building Control

77. The function of RBKC Building Control was to ensure that all building work carried out in their borough should meet current building codes and regulation requirements. John Hoban is a Senior Building Control Surveyor who has thirty years of experience.
78. John Hoban is rightly severely criticised by Beryl Menzies, the Building Control expert, for his habit of shirking from his responsibilities. Dr Barbara Lane notes in Section 11 of her first report that on her site inspection, she noticed that the cavity barriers were poorly prepared with jagged edges which led to an imperfect fit, creating gaps around the columns (BLAR00000003, at paragraph 8.9.43). John Hoban claims that he was not trained to check cavity barriers, nor was he trained to check the installation of the cladding. Beryl Menzies comments that this is incredibly surprising given Mr Hoban's many years of experience (BMER0000001, at paragraph 432). Had Mr Hoban made the

checks that he should have, he would have identified these problems and the fire may not have spread as quickly as it did. **This was a missed opportunity.**

79. Mr Hoban states that the persons who failed to notify Building Control about the changes to materials were responsible for the failure of the cladding system (RBK00033934 at paragraphs 61 to 62). Further, he states that he assumed that those who suggested the materials had ensured that they were compliant with Building Regulations. We invite the Inquiry to consider whether Mr Hoban has any foundation for making such assertions given the functions of Building Control.

80. Mr Hoban accepts that he reviewed the proposed design for the exterior cladding of the Tower, however his comments and notes are recorded in his physical diary or online notes which now cannot be located. He further states that he looked up the Celotex product on the Celotex website (RBK00050416 at paragraph 43) and decided that it was fit for purpose. We submit that Mr Hoban failed to take appropriate steps to assess the building works to ensure that the insulation, a component of the exterior cladding system, was compliant with building regulations.

81. Building Control are also heavily criticised by Beryl Menzies, the Building Control expert, for their failure to recognise that the materials which formed the cladding system were unsuitable for the Tower, and for their failure to oversee the installation of such materials. She further states in paragraph 480 that a certificate of completion should never have been issued if Building Control were not satisfied that the relevant information (fire safety information) had been given to the 'Responsible Person' under Regulation 38 (BMER0000001).

82. As reiterated throughout Beryl Menzies' report, the function of Building Control failed on a number of levels and the bottom line is that the certificate should not have been

issued. It is our submission that these problems could have, and should have, been picked up by Building Control. **This was a missed opportunity.**

John Rowan and Partners

83. John Rowan and Partners were contracted to undertake Clerk of Works responsibilities for the general building works. The Clerk of Works role is to represent the client on the construction site in ensuring that the quality of both materials and workmanship are in accordance with the design specification. This title is highly contested by Jonathon White (Clerk of Works) who claims that his role is more likened to that of a Site Supervisor because he did not attend the site regularly enough, or for the duration of the project. We invite the Inquiry to explore this further. Mr White states that he attended the site to undertake weekly inspections from October 2014, some seven months after construction had begun, and describes his typical day on site (JRP00000330 at paragraph 32):

> {"A typical day on site would involve me walking the outside perimeter of the site, taking photos with my IPad, noting progress of the project, walking around the complete job internally from top floor to bottom and taking photographs as well as inspecting for workmanship/quality and site health and safety issues to identify and/or highlight in my report."}

84. He was not asked to consider the compliance of materials at the design stage as John Rowan and Partners were only instructed to undertake these inspections after the construction had already started. Dr Barbara Lane notes that the cavity barriers were poorly prepared leading to an imperfect fit which created gaps and affected the overall integrity of the compartmentation (JRP00000330 at paragraph 32). It is our submission that the Clerk of Works should have picked up on these quality issues and taken appropriate steps to ensure that they were rectified. If Mr White had done so, there is

every possibility that the overall quality of workmanship would not have contributed to the events of the 14th June 2017. **This was a missed opportunity.**

85. General Management

Artelia

86. Artelia were the project managers and employer's agents for the refurbishment of Grenfell Tower. They provided contract administration services and their role was to ensure that the project ran according to time, and budget. During this refurbishment project there were several layers of management, and this continued from the design of the project to completion. We invite the Inquiry to consider whether the poor coordination between the parties resulted in unanswered questions, or misguided answers with respect to compliance of materials.

87. This feeds directly into the issues identified by employees of Artelia in particular, whereby they claim that individuals of the TMO, Claire Williams specifically, would misdirect design related issues to them. Simon Cash and Neil Reed both identify correspondence which suggests that individuals of the TMO were wrongly directing these issues towards them. It is our submission that this confusion around parties' roles and responsibilities and the overall lack of effective coordination is what resulted in this cladding being installed on the Tower.

88. In April 2015, Neil Reed highlighted this blurred division of responsibility and what was included in Artelia's scope of works (ART00006157).

> {"I would like to have a conversation after the meeting on Wednesday the resolution of design issues, which I do not believe are within our scope of services. Hopefully, we agree where the divide in responsibility lies and all

work together to give you the much needed information and confidence you need to report back to your Board and Residents."}

89. However in September 2015, the same issues were raised again by Simon Cash. He stated that he was not sure that design issues were in Artelia's scope of work. Our question then is, were these misdirected issues ever directed to the correct person, and in turn were they resolved adequately? We submit that had there been effective coordination, the combustible cladding system would not have been installed on the Tower.

90. Questions to be addressed by the Inquiry

91. Turning back to the four themes that we have identified above, the issue of cost cutting driving all of the material decisions must be addressed by the Inquiry through the questioning of RBKC/TMO witnesses. Many contractors refer to this cost cutting exercise as a key motivator and we invite the Inquiry to scrutinise whether decision-making was led by cost cutting objectives exclusively. It is our preliminary view that cost cutting was the primary factor in the decision making process. This led to the installation of the highly combustible cladding system.

92. There was a lack of coordination between parties involved in the refurbishment, from the design to the construction stage. This is evidenced through reams of correspondence which has been disclosed by the inquiry. The Inquiry is invited to investigate the parties' roles and responsibilities in respect of the refurbishment and to ensure that those responsible, are held accountable.

93. The Inquiry is invited to question the competence of contractors as we have seen throughout the material that countless mistakes were made, something that has been identified through the analysis of the experts. It is clear that contractors did not carry

out their jobs with diligence and we, on behalf of our clients, would like to know how this was allowed to continue for so long. Further, queries were often misdirected, with unqualified individuals giving their advice, which in turn led to unanswered questions. We invite the Inquiry to explore whether questions were answered accurately in order for informed decisions to be taken.

94. This culture of buck-passing pervades the material and is something that needs to be addressed urgently by the Inquiry. We invite the Inquiry to investigate which parties were responsible for which aspects of design, compliance and installation and hold them accountable. We further invite the Inquiry to ensure that this buck-passing does not continue during the Inquiry proceedings.

Thank you.

Imran Khan Q.C.

Imran Khan and Partners Solicitors

20th December 2019