

IN THE MATTER OF THE GRENFELL TOWER INQUIRY

PHASE 2

MODULE 1

OPENING SUBMISSION BY J S WRIGHT & CO. LIMITED

1. This Opening Submission is prepared on behalf of J S Wright & Co. Limited (“JSW”) to assist the Inquiry in relation to issues to be considered in Module 1 of Phase 2 of its investigations into the tragic fire at Grenfell Tower on 14th June 2017.
2. In preparing this document, JSW has had careful regard to the Inquiry’s published lists of issues to be considered in the various Modules in Phase 2.
3. Module 1 issues are set out in Annex B of the Inquiry’s letter dated 30th October 2019 (seven “key issues”) and issues 2 (a) and 4 of the revised list of issues published in September 2019 (“subsequent modifications prior to the most recent” and “modifications to the exterior of the building 2012-2016 (including cladding)”).
4. JSW had very limited involvement in the matters to which these issues relate. That being said, in order to assist the Inquiry, JSW will provide some background information that appears relevant to its understanding of Module 1 issues and how they might relate to JSW’s involvement in the refurbishment.
5. Within Phase 1, JSW provided witness statements from employees involved in the refurbishment work along with a Position Statement and Closing Submissions.
6. JSW repeats its ongoing commitment to assist the Inquiry with its investigations into the fire at Grenfell Tower.

The issues in Module 1 and JSW's involvement

Issue number 2 a) on the revised list of issues

7. This concerns a time prior to the refurbishment works 2012-2016 and hence relates to matters prior to JSW's involvement.

Issue number 4 on the revised list of issues

8. This relates to 'Modifications to the exterior of the building 2012-2016 (including cladding and insulation). JSW was not involved in works relating to the exterior of Grenfell Tower save for the following matters of relevance to the Inquiry's investigations; window mounted kitchen extract fans (existing flats), fans fitted into a kitchen unit with a grille in the façade (new flats) and the connection of the ductwork at level 2 to the external grille (the connection was made by Harleys).
9. JSW notes that the kitchen extract fans appear to be a specific issue in Module 2 (see Annex B, Module 2, Key Issue 1 d).
10. However, for present purposes, JSW would clarify that the kitchen extract fans for the existing flats came in two sections: the window kit free issued to Rydon for powder coating to match the façade and the external fan sections which were fitted by Harleys, and the fan itself which was fitted to the window kit.
11. The wiring of the electrical spur to the fans within the flats was carried out by one of JSW's sub-contractors (R J Electrics).
12. The specification for the kitchen extract fans was provided by Max Fordham and the fans were supplied by Fans Direct (Nuaire).

The seven key issues set out in Annex B to the Inquiry's Letter dated 30th October 2019

14. The only item in the list of key issues that might be relevant to JSW's involvement in the refurbishment of Grenfell Tower is item 7, 'Building Control – with principal focus on façade'.

15. Although JSW was not involved in work to the façade of Grenfell Tower, save as previously described, it did engage with Building Control during the refurbishment particularly in relation to the dry rising main and the smoke control system. Both these matters are to be investigated during Module 3 and JSW will address matters relating to Building Control and those items of work during that Module.

JSW becomes involved in the refurbishment of Grenfell Tower

16. JSW notes that its contractual relationship with Rydon and its contractual relationship with its sub-contractors are not being considered or investigated in Module 1. These issues are likely to feature in subsequent Modules.
17. The basic documentation relating to JSW's appointment by Rydon as the M&E sub-contractor is set out in the Inquiry's publication, Grenfell Tower Inquiry: Contractual Documents (Version 2) 11 December 2019 (see pages 19-22 at paragraph 11).
18. In this opening submission, JSW does not intend to provide any further detail about the basis upon which it contracted with Rydon. Some information about this has already been provided to the Inquiry.
19. JSW first became involved in the plans to refurbish Grenfell Tower when it received a letter from Rydon on 16th December 2013 to submit a tender for mechanical and electrical works (M&E works), {JSW00001963 at paragraph 30}. The letter was sent by Rydon to JSW.
20. That letter attached various documents including the Employer's Requirements which had been prepared by the TMO's M&E Consultants, Max Fordham {MAX00018104}.
21. The letter also noted that the main contract (i.e. Rydon and the TMO) was a JCT Standard Form of Contract 2011 with Contractor's Design with all amendments. The Sub Contract (i.e. Rydon and JSW) was Dom 2 Domestic Subcontract for D&B contracts; Dom 1 with trad. Contracts.

22. Having reviewed the tender package, assessed the work that JSW could undertake and the work that required specialist sub-contractors, JSW submitted its tender proposal to Rydon by letter dated 30th January 2014, {JSW00001999}.
23. JSW's tender letter was based on the documents provided by Rydon.
24. Rydon provided a Letter of Intent to JSW dated 25th July 2014 which included various supporting documents, {RYD00018784}. This indicated that JSW had been appointed as Rydon's M&E subcontractor.
25. Rydon and JSW entered into further correspondence about the work to be carried out which necessarily touched on the scope of the contract between them, see for example {JSW00000294}. JSW commenced work on site on 6th October 2014 (JSW Master bundle File 8A, 2M).
26. Upon completion of its parcels of work, JSW sent Practical Completion letters to Rydon JSW setting out the 12-month defects liability periods for three distinct parcels of JSW's work commencing on:
21st September 2015 and ending at Midnight on the 20th September 2016 – New Boiler System [JSW Master bundle File 8A N. i]
19th December 2015 and ending at Midnight on the 18th December 2016 – Existing Apartments [JSW Master bundle File 8A N. ii]
18th July 2016 and ending at Midnight on 17th July 2017 – Remaining Elements {JSW00001958}.
27. The letters reminded Rydon that the development owner (i.e. the TMO) was responsible for ensuring the correct operation of each system and for following all equipment maintenance regimes in accordance with the manufacturer's instructions.
28. JSW also reminded Rydon that it should arrange the maintenance programme throughout the defect period for the contract per the recommendations in the operating and maintenance manuals.

JSW's relationship with others

29. JSW has already referred to its relationship with some of the organisations and people involved in the refurbishment of Grenfell Tower. It will provide specific information during subsequent Modules in Phase 2 of the Inquiry.
30. In this opening submission, JSW will refer to some matters of general application.
31. In relation to matters outside of its area of expertise, JSW relied on the skill, experience, expertise and competence of others. It was entitled to do so.
32. JSW performed work in accordance with its contract with Rydon. As required, this was checked, inspected, tested, commissioned, witnessed and certified. This involved various organisations and individuals including its own staff, Max Fordham (who remained heavily involved in respect of M&E matters throughout the refurbishment), Rydon and the Clerks of Works. They discussed matters on site and prepared progress reports. Where issues were identified they were rectified and checked to ensure that this had been carried out correctly.
33. JSW's work was also checked for quality and to confirm that it had been carried out in accordance with the client's specifications (i.e. by Max Fordham in respect of the Employer's Requirements as varied during the period of the refurbishment).
34. Some elements of JSW's work needed to be approved by Building Control to ensure compliance with legal requirements under the Building Regulations 2010 (in particular requirements B1 and B5 of the Schedule to those Regulations). JSW liaised directly with Building Control and sought advice (e.g. in relation to the dry rising main {JSW00001792}), to obtain approval that a piece of work was in compliance with Building Regulations (e.g. in respect of PSB's design of the smoke control system {JSW00000020}) and to demonstrate that systems were working correctly (e.g. on 5th May 2016 in respect of the smoke control system).
35. JSW notes the criticism of Building Control, particularly in the expert report of Beryl Menzies {BMER0000001}.

36. Building Control had particular expertise and experience in respect of means of warning and escape (Requirement B1) and access and facilities for the fire service (Requirement B5) and there was nothing in its involvement with Building Control to give JSW cause to doubt the competence of its officials.
37. JSW will refer in more detail to its involvement with Building Control in Module 3 where the issues concerning the dry rising main and the smoke control system are to be considered by the Inquiry.

The Inquiry's Phase 1 Report

38. JSW does not wish to comment in detail on the Inquiry's Phase 1 Report. Aspects of its work during the refurbishment will be investigated during Phase 2.
39. However, JSW wishes to clarify the following matter contained in the Inquiry's Phase 1 Report.
40. JSW has set out the nature and extent of the work it was engaged to perform in other documents namely its employees' witness statements, its Position Statement and Closing Submissions in Phase 1.
41. In Volume 1, Chapter 6, paragraph 6.6 (page 33) of the Report, the Inquiry refers to Rydon engaging JSW to carry out detailed designs and installations of the M&E works. The nature and extent of the works undertaken by JSW and by its specialist sub-contractors will be considered in detail during Phase 2 of the Inquiry.
42. In paragraph 6.6, there is reference to the internal building services works that were undertaken during the refurbishment including, "some alterations to the lifts".
43. JSW understands that this is intended to be a reference to part of its work during the refurbishment. In order to provide clarification of the work it undertook and to assist the Inquiry, JSW did not undertake any work to the lifts at Grenfell Tower.

The Inquiry Publication – Grenfell Tower Inquiry: Contractual Documents (Version 2)

44. JSW understands that this document is intended to set out the main contractual documents and obligations between the various parties who were engaged in the refurbishment of Grenfell Tower.
45. Again, JSW does not intend making any detailed comment on the document itself; the details of its relevant contractual relationships will be considered during later Modules in Phase 2.
46. However, and again to provide clarification and assistance to the Inquiry, JSW would wish to make the following comments.
47. On page 22 of the document reference is made to one of JSW's sub-contracts with Nuaire Limited and states; "Nuaire Limited provided smoke extractor fans for Grenfell Tower".
48. Window mounted kitchen extract fans were installed in the existing flats within Grenfell Tower and in the new flats; fans were fitted in a kitchen unit with a grille in the façade. This is explained on page 10 of the witness statement of Alan Whyte. {JSW00001892}.
49. These were not *smoke* extractor fans but were intended to allow the release of moisture build up in the kitchen during activities such as cooking. In the context of the Inquiry and having regard to the use of terms such as "smoke control" and "smoke extract", JSW believes this is an important point of clarification.
50. On page 28 of the document reference is made to one of JSW's sub-contracts with Hydrotech (UK) Ltd. The purchase order relating to chlorination treatment works can be found at JSW's master bundle at page 43 File 8A, 2, 23A. The Certificate of Chlorination can be found at File 8A, 2, Pii. We do not believe that this work is relevant to the Inquiry's investigations.

51. On page 32 of the Contractual Document, there is a reference to Parkerr Ductwork with the comment that no written contract has been identified.
52. In order to assist the Inquiry, the contract documentation between JSW and Parkerr has been disclosed to the Inquiry in JSW's Disclosure Index No. 5. It can be found on page 10 of that Index at item 2.9. In addition the sub-contract particular conditions signed by Parkerr will be disclosed to the Inquiry separately.

Conclusion

53. As set out above, JSW had very little direct involvement in the issues being considered in Module 1.
54. It is for that reason that its opening submission for Module 1 is short.
55. JSW will provide more detailed opening submissions in order to assist the Inquiry in respect of subsequent Modules in which it has more involvement in the matters being investigated.

Browne Jacobson
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20 December 2019