

Witness statement of: Michele McHugh

No. of statement: 2

Exhibits: 19

Date of statement: 21 February 2020

GRENFELL TOWER PUBLIC INQUIRY

WITNESS STATEMENT OF MICHELE McHUGH

I, Michele McHugh will say as follows:

1. I provided a witness statement to the Grenfell Tower Inquiry ("GTI") on 8 February 2019. On 25 November 2019, the GTI sent a request to provide further information and clarification regarding some of the content of that statement. Accordingly, I give this statement in response to that request and address the questions as listed in the GTI's letter and exhibit the documents requested. In preparing my response, I have carried out a further review of relevant, available documents and provided additional information and clarification in order to assist the Inquiry as fully as I am able.
2. I have answered an additional question, which was asked in the context of a general request to LFB regarding the lift control panel at Grenfell Tower, sent on 8 November 2019. I do so at paragraphs 28 and 29 below.
3. The documents that I have exhibited at the request of the GTI and also those that I have referred to in order to assist my recollection of events (and which, to the best of

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my knowledge, have not previously been provided to the GTI), or which I have thought may be of use to the Inquiry, are identified in the attached schedule of exhibits.

Question 1: In paragraph 13, you state that on 5 October 2016 Janice Wray emailed you attaching a copy of the Fire Risk Assessment. Please provide a copy of the email and the attachment.

4. I exhibit as Exhibit MM2/1 () the email from Janice Wray to me, dated 5 October 2016, attaching the fire risk assessments for Grenfell Tower and Barandon Walk, another KCTMO property on the Lancaster Estate, which I inspected on the same day as Grenfell Tower. I exhibit the Grenfell Tower FRA as Exhibit MM2/2 (). I exhibit the Barandon Walk FRA as Exhibit MM2/3 ().

Question 2: At paragraph 21, you set out how you carried out an inspection of a high-rise building. You indicate that whether a front door is a fire door can “generally only be established by sampling some flats i.e. knocking on doors and asking the resident for permission to check their door.” Please could you expand upon that and:

(a) Indicate your general approach to sampling, including:

- i. whether you would aim to check a certain proportion of flat front doors;***
- ii. whether you would endeavour to have the sampled doors spread around the tower***
- iii. what proportion of flat front doors you would knock on; and***
- iv. whether you would try to seek permission in advance to attend flats to inspect the flat front door. If you would seek permission, please explain the steps you took in advance of your inspection of Grenfell Tower. If you did not seek permission, please explain the reasons***

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5. It is generally not possible to determine whether a flat door is a fire door simply from a visual observation of the outside of the door. Rather, the thickness of the door, the number of hinges and the presence of strips and seals would need to be verified by opening the door. As fire safety inspectors, we are dependent on the residents being present and willing to grant us access to inspect their doors.
6. It was not (and is not) my practice to inspect a certain proportion of doors, nor have I ever been instructed or trained to do so. Rather I try to sample what seems to me a reasonable proportion of doors, bearing in mind the type and size of the building, my general observations about the doors (age, physical appearance) and my ability to gain access. Also, in circumstances where it is apparent that there are several non-compliant doors, which will lead to some kind of enforcement action being taken, (whether that be a Notice of Deficiencies or an Enforcement Notice) then I may decide that there is no need to inspect any additional doors. Similarly, if I have information from another source (such as the FRA itself or from an on-site representative) that the doors are not fire doors, then it may not be necessary to inspect a sample. For example, in relation to Barandon Walk, my findings regarding the fire doors were based on the words of the Fire Risk Assessor at page 5 of the FRA that, "These flat entrance doors were at one time open to atmosphere so the doors and windows are not fire rated if they are the originally fitted ones." Also, the on-site representative stated that many of the doors were not fire doors. I exhibit the email correspondence in which I explain that finding to Janice Wray as Exhibit MM2/4 ().

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7. I do not knock on a set proportion of doors. Rather, I knock on the doors of flats that appear to be occupied (because of noise, movement, presence of residents outside the flat).

8. I do not seek permission from residents in advance to inspect particular doors. It is not LFB practice or policy to do so. In any event, making those kinds of arrangements would be logistically challenging and residents have the option to allow us to inspect their doors or refuse permission at the time of the inspection.

(b) Indicate with reference to your inspection of the Tower carried out on 27 October 2016 whether the three doors you listed at paragraph 21 of your witness statement (doors to flats 44, 86 and 153) were the only doors whose self-closing devices you were able to check, and if not

(i) how many other flat front doors you carried out an internal inspection on; and

9. If I had checked other doors, I would have noted that down in my notebook¹, as that is my usual practice. Therefore, I believe that I only checked flats 44, 86 and 153.

(ii) how many other flat front doors you knocked on.

10. I cannot recall specifically how many doors I knocked on. That is not something that I would record in my notebook.

11. However, upon reviewing my notebook for the preparation of this statement, I do see on page 8 that I spoke to residents at Flat 24 regarding the items outside their flat. I do not recall whether I knocked on the door of Flat 24 or came across the residents as

¹ I exhibited my notebook as Exhibit MM/1 in my first statement to the Inquiry.
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they were coming or going from their flat. I do not recall whether I inspected the door but, again, had I done so, I believe I would have recorded it.

12. I also knocked on the door of Flat 9 because of the presence of the mobility scooter outside. My colleague (who was shadowing me) and I spent some time indoors in conversation with Mariko Toyoshima-Lewis. I do not recall whether I inspected the door but, again, I believe that I would have noted it down had I done so. On reviewing my notes, I see that I had written “station notification” in regard to Mariko Toyoshima-Lewis, which indicates my intention to notify the fire station of her situation – namely, that she is a person with mobility issues on the third floor of the building. I have not been able to find any record of having made the notification and do not recall doing so.

Question 3: In paragraph 16, you state that you did not consider the Record of Significant Findings and Action Plan (“Action Plan”) that accompanied the Fire Risk Assessment and that you did not consider it as a part of your audit process. Please explain:

13. I have adopted the wording in the GTI’s question and refer to the Record of Significant Findings and Action Plan as “the Action Plan”.
14. For the sake of clarity, and contrary to the text of the GTI’s question, I did not state in my first statement that I “did not consider the Record of Significant Findings and Action Plan (“Action Plan”) that accompanied the Fire Risk Assessment”. Rather, I stated at paragraph 16 of my first statement, “I read through FRA, noted there were no significant findings (ie. fire safety deficiencies) or action plan to remedy any fire safety deficiencies.” The Action Plan did *not accompany* the FRA. I never received the Action Plan.

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(a) Whether you were [sic] ever requested a copy of the Action Plan. If so, when and how. If you did not make such a request, please explain your reasons

15. It is my practice to request a copy of the Fire Risk Assessment from the relevant Responsible Person in advance of carrying out an audit of any premises or, if they will be accompanying me, to have the documents available to inspect. In my experience of every other Responsible Person besides the KCTMO, the Action Plan is included within the Fire Risk Assessment and it is not necessary to request it as a separate document. Therefore, when I request a Fire Risk Assessment, I expect to also receive the Action Plan.

16. In my first statement to the GTI, I stated that I was not aware at the time of my audit of Grenfell Tower that it was the practice of the KCTMO to keep the Action Plan separate to the FRA and that it was necessary to request the Action Plan specifically. In preparing this statement, I have carried out a further review of all my available email correspondence with Janice Wray at the KCTMO. I am now aware that in August 2016, in relation to a different KCTMO property (1 Pembridge), she had informed me that: "With regard to the Action Plan and Significant Findings these are provided as a separate document to the FRA to facilitate our internal workflow and enable us to audit completion." I exhibit the relevant email chain as Exhibit MM2/5 (). This comment had not registered in my mind at the time that I requested the Grenfell Tower FRA. Therefore, I did not appreciate that I would need to request the Action Plan separately. This is also evident in my request around that same time to Janice Wray for the FRA for another KCTMO property, Colville Square. I exhibit that email chain as Exhibit MM2/6 (). That inspection

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also led to the issuance of a Notice of Deficiencies, which was subsequently queried by Janice Wray and justified by my team leader, Rebecca Burton. I exhibit that email correspondence as Exhibit MM2/7 ().

17. In relation to my inspection of Grenfell Tower, I requested the FRA in advance, as was my usual practice, and arranged a date and time for the visit – 27 October 2016. As I mentioned above at paragraph 4, I was also auditing Barandon Walk on the same day and requested its FRA at the same time. My recollection is that I did not look over the FRAs for both properties until shortly before visiting the premises. I believe it was only then that I became aware that there were no Action Plans included in either of the FRAs. This did not impact upon my ability to carry out the audits and was not a reason to delay them. It is not uncommon in my experience to conduct audits of residential premises without any FRA at all being provided beforehand.

18. I finalised/synchronised the audit forms for Grenfell Tower and Barandon Walk on 3 and 4 November 2016 respectively. I exhibit the audit form for Grenfell Tower as Exhibit MM2/8 () and, for the sake of completeness, also exhibit the audit form for Barandon Walk as Exhibit MM2/9 ().

19. On 7 November 2016, I received an email from Janice Wray attaching the Action Plan for Barandon Walk. I exhibit that email as Exhibit MM2/10 () and the Action Plan as Exhibit MM2/11 (). By this stage, the audit form had been finalised and synchronised on the system. In that email, Janice Wray states, “As per your request here is a copy of the FRA action plan which was submitted with the FRA in Nov 2014.” Given that I have not been able to find an email request to that

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effect from me to Janice Wray and given that it was not unusual for me to communicate with a Responsible Person on the telephone, I believe that this email indicates that I had a telephone conversation with her at some point between the date of my inspections of Barandon Walk and Grenfell Tower (27th October 2016) and finalising the audit forms (03/04 November 2016) in which I requested the Action Plans for both buildings. I only received the Barandon Walk Action Plan and the email does not mention the Grenfell Tower Action Plan. However, given that I carried out the inspections of those buildings, which were on the same estate, on the same day, wrote up my findings around the same time, and issued them both with a Notice of Deficiencies at the same time for similar breaches, I do not believe that I only asked for the Action Plan for Barandon Walk.

20. My belief is fortified by the timeline for the inspection and writing up of the audit.

Having reviewed my email correspondence and personal work log, I can see that I wrote up/synchronised two audits for 36 Oxford Gardens (also a KCTMO property) and 60 Oxford Gardens before I did so for Grenfell Tower and Barandon Walk, even though I had inspected those premises on a later date.² This suggests to me that I was waiting for the Grenfell Tower and Barandon Walk Action Plans. I exhibit my work log as Exhibit MM2/12 ().

21. For the sake of completeness, I note that in relation to 36 Oxford Gardens, I had not received the FRA prior to the inspection, which took place on 31 October 2016, even though I had asked for it on 18 October 2016 (see email, which I exhibit as Exhibit MM2/13 (). I emailed Janice Wray on 1 November 2016 as follows:

² I note that in my work log I have indicated that I completed the audit for Grenfell Tower on 4 November 2016. That is a typo. The audit form itself shows that I completed it on 3 November 2016.

“I carried out the audit of 36 Oxford Gardens yesterday so I would really appreciate seeing fire risk assessment as soon as possible please. If the significant findings or action plan are contained in a separate document could you also send that.”

I exhibit that email as Exhibit MM2/14 (). I exhibit Janice Wray's response as Exhibit MM2/15 ().³ It seems that, by this stage, I had realised that I needed to ask specifically for the Action Plan in addition to the FRA. I do not recall whether this realisation came as a result of a conversation with my team members or whether it is just what I had gleaned from my dealings with Janice Wray up to that point.

22. As it transpired, I did not receive the Action Plans for Grenfell Tower or Barandon Walk before I synchronised the audits on our system (Farynor), or at all in relation to Grenfell Tower. I cannot recall precisely why I did not wait for the Action Plans or chase the KCTMO for them, save to say that I generally felt pressured to progress matters within the expected timeframe, which is about two weeks from the date of inspection. In any event, enforcement action was taken in relation to both properties in the form of a Notice of Deficiencies.

23. With hindsight, ideally I would have followed up my request for the Action Plan and considered it before synchronising the audit. However, I do not believe that would have made any practical difference to the regulatory outcome in relation to Grenfell Tower. I do not believe that it would have made a difference to my assessment of compliance with the relevant articles (Article 9 and 10). Although not perfect, the

³ For completeness, I note that the response came after I finalised my audit and that Janice Wray had not included the Significant Findings and Action Plan in any event. I exhibit the audit form as Exhibit MM2/16 ()

risk assessment appeared to consider all the risks covered by the Regulatory Reform (Fire Safety) Order 2005 and was “broadly compliant.” In relation to Article 10, whilst I noted that there were “no significant findings or actions identified in FRA so cannot score”, the Responsible Person had implemented general preventative and protecting measures and, therefore, was “broadly compliant”.

24. As I noted in my first statement to the Inquiry, as there had been a previous Notice of Deficiencies for these premises, the new Notice of Deficiencies could have been increased to an Enforcement Notice but, following discussion with my team leader, it was agreed that a Notice of Deficiencies was sufficient. This was a reflection of LFB’s policy to encourage engagement and co-operation with Responsible Persons such as the KCTMO, who had significant housing stock. From my training, I also understand that the CFA Fire Safety Guidance Notes and Audit Form also encourages co-operation and engagement with the Responsible Person. I exhibit the guidance that I believe was applicable at the time of my training as Exhibit MM2/17 ().

KCTMO Fire Risk Assessments

25. In an effort to assist the Inquiry, I would like to share some general observations about the Fire Risk Assessments prepared for the KCTMO properties I inspected. Generally speaking, the Fire Risk Assessments I viewed were deemed suitable and sufficient as they identified all the risks covered by the Regulatory Reform (Fire Safety) Order 2005. However, I did notice a tendency on the part of the Fire Risk Assessor to reference discussions with LFB and/or previous LFB notices/letters to justify his assessment of a particular risk, rather than assessing those risks himself.

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The function of the inspection and audit process is not to carry out the fire risk assessment for a Responsible Person. Rather, it is to make an assessment of the suitability and sufficiency of the Responsible Person's assessment of risk and the measures it has implemented to address those risks. That is, it is an assessment of the Responsible Person's compliance with its fire safety obligations under the Order.

26. I recollect that the topic of the KCTMO's Fire Risk Assessor's approach to FRAs came up in general discussion with my team, although I cannot recollect a specific discussion. However, in my review of my email correspondence I have seen that, on 10 March 2017, I forwarded the FRA for Colville Square to a member of my team, Bob McTague, referring him to page 7. I exhibit that email as Exhibit MM2/18 () and the Fire Risk Assessment as Exhibit MM2/19 (). Having looked again at page 7 when preparing this statement, I can see that the Risk Assessor has made general comments about LFB actions with the comment that "Therefore i[t] has been assumed that the Fire Authority were completely satisfied with these arrangements at the time of the audit". I do not recollect whether this email followed a particular conversation with Bob McTague but my belief is that I was drawing his attention to this FRA as an example of what I considered to be the inappropriate and unhelpful approach taken by the risk assessor.

Lift Control Panel at Grenfell Tower

27. I understand that the Inquiry has also asked questions of the LFB regarding the lift fire control panel at Grenfell Tower and, specifically, whether the LFB test the operation of the express lift keys (to take control of the lifts) as part of familiarisation visits *or at any other time*.

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28. My consideration of lift control panels in the course of an inspection is limited to a visual inspection of it to confirm that a control panel is present. I do not test the operation of the key as this is not what we are trained or expected to do. In relation to the audit of Grenfell Tower, I wrote in my notebook "lifts can be overridden", which was based on my visual observation of the presence of a control panel. I was also told that by the maintenance manger, Seamus Dunlea, as referenced in my first statement at paragraph 20.

29. I have also noted in my notebook, "other lobby fire panel - healthy". This did not relate to the lifts. Rather, it reflects my observation that the lobby fire panel, which activated the AOV (Automatic Opening Vent), did not any have amber or red lights indicating any faults.

Statement of truth

I believe that the facts stated in this witness statement are true. I confirm that I am willing for the statement to form part of the evidence before the Inquiry and be published on the Inquiry website, save for redactions applied by the Inquiry.

Signed: *M McHugh*
Print name: *Michele McHugh*
Date: *21/02/2020*

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