

GRENFELL TOWER INQUIRY

SUBMISSION FOR THE OPENING OF MODULE 3 ON BEHALF OF THE MAYOR OF LONDON

TOPIC 1

1. The Mayor of London wishes to make clear that he regards the dismissive treatment of the tenants of Grenfell Tower when they were making justifiable and, as it turned out, prophetic complaints, to be a disgrace. The Kensington and Chelsea Tenant Management Organisation (KCTMO) was everything a tenant management organisation should not be – it was not community-based, it was not cooperatively run, it was not representative and it was not responsive to residents' needs or feedback.
2. The Royal Borough of Kensington and Chelsea (RBKC) had a responsibility to ensure that the KCTMO was fit for purpose. The evidence overwhelmingly suggests that RBKC failed in its duties to the people it was supposed to serve.
3. The inadequacies and failures of the KCTMO had been considered by Maria Memoli in her report dated 10th April 2009¹, and yet in spite of her recommendations, the tenants in 2012-2017 were coming up against the same issues that she had identified as requiring remedy during the programme of works undertaken at Grenfell Tower. Years after the publication of that report when recommendations concerning the need for a single complaints procedure, proper use of progress reports to keep the complainant informed, swift remedial action, and improved response times had been apparently been implemented, the residents of Grenfell Tower were facing strikingly similar problems.
4. Within a few days of the tragedy, Helen MacNamara, then Director General for Housing and Planning in the Department for Communities and Local Government

¹ Investigation report into long standing complaints of the KCTMO - IWS00001462

(DCLG), emailed Jeremy Heywood, then Cabinet Secretary, with some initial thoughts on wider questions following the fire. She posed the question of whether the fire was a tragic incident or a sign of wider system failure. She then referred to issues such as catastrophic building failure, which you confirmed in your Phase 1 report, tenants' complaints being left unanswered and issues with social housing regulation such as whether the regulator knew the TMO was failing and the effectiveness of the Housing Ombudsman.²

5. These were issues so obvious to Ms MacNamara in the immediate aftermath of the fire and yet in the months before the fire, RBKC had been unable or unwilling to acknowledge that the KCTMO was failing and unfit for purpose. As late as March 2017, RBKC were responding to a complaint saying that "the TMO is judged to have a robust management complaints system, which ultimately ends with the judgement of the Ombudsman".³ That assessment could not have been more wrong. That the Bereaved, Survivors and Residents were being treated appallingly in multiple different ways, does not now seem to be in issue but why and how this was allowed to continue by RBKC needs to be fearlessly explored.
6. The conduct of the KCTMO towards the residents of Grenfell Tower demonstrates a total failure in ensuring that Grenfell Tower was a safe place to live. In fact to the contrary, the KCTMO's seeming inability to consider the welfare of those living in the Tower as a priority, demonstrates a wholesale failure of any "tenant management" and left people feeling that they were looked down upon, disrespected and ignored. Those that persevered with trying to get their complaints recognised, resolved or even taken seriously were branded as troublemakers.
7. Where it should have provided a bridge between the tenants and their landlords, KCTMO's failures to engage with the tenants in any appropriate and constructive way led to deep distrust.
8. The Mayor refers to just a few examples. The KCTMO was dismissive in relation to a disabled resident when she raised concerns about her fire safety and the lack

² Email Helen MacNamara to Jeremy Heywood on 20 June 2017 - CAB00004662_0001

³ Letter from Amanda Johnson to anonymised complainant - RBKC00033670_001

of adaptation to her flat.⁴ They were slow and rude when responding to complaints⁵ and yet swift to place a padlock on a garage when a tenant was a few days late paying for the space.⁶

9. There is consistent and voluminous evidence of the KCTMO's unacceptable attitude towards residents. This includes references such as:

- "They made us feel a nuisance"⁷;
- "She [the complaints officer at the TMO] was very abrupt and short with me. It was like she was angry with me that I was making a complaint. I felt like they thought I was a troublemaker"⁸; and
- "My impression of the TMO's attitude towards the Tower was that it was social housing and that we, its residents, would get what we were given and be grateful for it".⁹

10. Another example is: "I feel that the way that these concerns were handled is a good reflection of the culture within the TMO and the attitude that it had towards Grenfell Tower residents at the time. Ultimately we were people who wanted to feel safe in our homes, and this should not have been perceived by the TMO as something which was annoying or bothersome. I also believe that as residents in a so called "social housing block", we were treated as sub citizens or sub class".¹⁰

11. Does the treatment of residents at Grenfell Tower demonstrate an institutional indifference based upon a perception that social housing tenants should indeed be "grateful" for what was being provided for them "for free?"¹¹ Certainly there is an evidential basis for reaching that conclusion. The Inquiry must look closely at issues related to social housing tenants and their treatment by the authorities, including the possibility of institutional discrimination - racial or otherwise. Although many of the residents spoke English as a second language, there is a

⁴ Mariko Toyoshima Lewis - IWS00001725_0033

⁵ Manuel Alves - IWS00001587_0007; Lorraine Beadle - IWS00001872_0003

⁶ Manuel Alves - IWS00001587_0007

⁷ Elizabeth Sobieszczak - IWS00001539

⁸ Betty Kasote - IWS00001775

⁹ Nicholas Burton - IWS00001661

¹⁰ Lee Chapman - IWS00001619_0008

¹¹ Turufat Yilma Girma - IWS00001732 para 3

consistent theme that important information was not made available in languages other than English and that residents felt that having English as a second language was a barrier to them being able to make complaints on their own behalf.¹²

12. In addition to the grossly substandard service being provided to the residents, the KCTMO also manipulated the complaints system. Residents became aware that contrary to the published policy, telephone complaints were not recorded¹³ and therefore not acted upon as all knowledge of them was denied. Not only was this contrary to published policy, but it also discriminated against those who were unable to confidently register a written complaint in English.
13. A second method of manipulation of the complaints system was to ensure that a “complaint” was downgraded to an “enquiry”.¹⁴
14. The 2015 GTLA complaint¹⁵ about the failure to replace the smoke ventilation and extraction system was converted to a member’s enquiry and not recorded as a complaint. This robbed the GTLA of the opportunity to use the three stage procedure for the complaints process and to refer the matter to the Housing Ombudsman.¹⁶
15. This highlights Ms McNamara’s issue in her email in relation to the effectiveness of the Housing Ombudsman. Clearly in the case of the Grenfell residents, the Housing Ombudsman system was ineffective but the lack of effectiveness was contributed to by the lack of a clear and unassailable complaints process. It appears that some of those that did complain soon found out that the KCTMO and RBKC complaints systems were not fit for purpose so simply decided that complaining was pointless.¹⁷
16. This is a position that has to change nationally. Confidence in the complaints system is as important as the robustness of the system itself.

¹² Christopher Ronocolato - IWS00001786_0006; Amina Mohamed - IWS00001545_0002

¹³ Belial El Guenuni - IWS00002034_0007; Lee Chapman - IWS00001619_0003

¹⁴ Councillor Judith Blakeman - MET00045751_0004

¹⁵ Email from Peter Maddison to Amanda Johnson and others dated 5th January 2015 - RBK000000096

¹⁶ Shahid Ahmed - IWS00001335_00111

¹⁷ Edward Daffam - IWS00002109_0047

17. The tragedy at Grenfell has uncovered institutional indifference towards those living in social housing on an alarming scale with catastrophic results.
18. Resident safety should be, and always should have been, of the utmost priority. Residents' voices must be at the heart of decision-making by councils and housing associations – after all, they alone know what it is like to live in the building and they literally have to live with the consequences of others' actions or inactions. Residents must have a stronger voice to challenge their landlords to improve performance and there is an urgent need for better representation of social housing residents at national level.
19. Social housing must be placed at the heart of Government plans to increase housing delivery; it must not be treated as a secondary tenure.
20. As part of the equality, diversity and inclusion funding conditions in the new Affordable Homes Programme 2021-2026, the Mayor will champion a stronger voice for Londoners, especially those that are under-represented or face significant housing-related inequalities.
21. The Mayor calls for a Commissioner for Social Housing Residents who would also give strength to those under-represented voices. The Commissioner should be a person who resides in social housing and their role would be to champion the views and interests of social housing residents and make recommendations to inform future Government policy.
22. The role of the Housing Ombudsman is obviously crucial. To be effective the Housing Ombudsman has to be widely publicised, easily accessible and represent the final arbiter at the end of a streamlined and efficient process.
23. The Mayor welcomes the Government's plans to simplify the access to the Housing Ombudsman as proposed in the Building Safety Bill. He regrets the delays in the publication of the Government's Social Housing white paper which was due to be published on the third anniversary of the fire but in fact was not published until November 2020.

24. The Mayor considers it vital that the Social Housing Regulator adopts the more proactive role proposed in the white paper as soon as possible in order to properly monitor and drive compliance with the enhanced consumer standard and with the additional enforcement powers set out in the white paper.
25. A key concern is the overlapping remits of the Housing Ombudsman, the Social Housing Regulator and the new Building Safety Regulator. Clarity and collaboration around these roles are essential, as is proper resourcing to enable them to carry out their roles effectively.
26. At the heart of this module are the Bereaved, Survivors and Residents who tell you that they live with the consequences of the fact that in spite of their best efforts, they were unable to prevent the tragedy occurring.¹⁸ It is a terrible indictment of this obviously broken system that they should have to live with that feeling of responsibility having tried so hard to make the authorities listen.

TOPIC 2

27. Topic 2 will consider the obligations of the KCTMO and RBKC under the Regulatory Reform (Fire Safety) Order 2005 and their compliance with those obligations.
28. For reasons that are to be established in the course of this module, the fire risk assessments were unable to identify the very real risks that were presented by the Tower. The fire at Lakanal House and the investigations and recommendations that followed, were meant to change the approach of social landlords to fire safety forever.
29. The fire at Grenfell Tower shows that was obviously an unfulfilled objective but this is an opportunity to fulfil that remit and ensure a robust system whereby fire risk assessments are made available to residents and, most of all, fit for the purpose for which they were designed.

¹⁸ Edward Daffarn - IWS00002109_0003 para 7

TOPIC 3

30. The Bereaved, Survivors and Residents' evidence to you about their concerns about safety will extend to cover issues in relation to the lifts, the self-closing mechanisms on fire doors and the smoke control systems. You have already heard from them in respect of some of their concerns in earlier modules of this Inquiry.
31. The Lakanal Fire Rule 43 letter dated 28th March 2013 from the Coroner to Eric Pickles, then Secretary of State of the DCLG, recommended encouraging providers of housing in high rise residential buildings containing multiple domestic premises to consider the retrofitting of sprinkler systems. The Mayor is clear in his view that automatic fire suppressant systems have a proven record of saving lives, protecting residents and reducing property damage by controlling the spread of fire and allowing fire fighters more time to facilitate evacuation and/or rescue residents. He invites you to consider again whether the retrofitting of sprinklers should be mandated and centrally funded by the Government in order to avoid future catastrophic loss of life.
32. Londoners can be reassured that the Mayor has ensured that all future buildings on GLA land commissioned under the London Development Panel will include sprinklers or other fire suppression measures in all-purpose built blocks of flats (regardless of height), all schools and all housing for vulnerable residents. This requirement has also been introduced into the Mayor's new Affordable Homes Programme.
33. This module of the Inquiry is directly focussed upon what action the authorities could or should have taken to avoid the catastrophic events of 14th June 2017. It must provide the answers as to why residents' complaints, enquiries and questions were not appropriately answered or resolved and why no one took responsibility for this building being so dangerous in the event of a fire when the residents themselves, without any expertise, appear to have been able to recognise the risks. And it must make recommendations that ensure this can never happen again.

ANNE STUDD QC

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19 March 2021**