

## **GRENFELL TOWER INQUIRY**

### **POSITION STATEMENT SUBMITTED ON BEHALF OF THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

1. This statement is the response on behalf of the Secretary of State for the Home Department (SSHHD) to the Inquiry's letter dated 21 September 2018. It sets out the action taken by the Home Office to address questions of public safety following the Grenfell Tower fire. It follows the previous position statement made on behalf of the SSHHD dated 9 February 2018. This statement is supported by documentary evidence, which will be referenced in the format [SSHHD/•], or, where a document is already publicly available a hyperlink will be provided. The statement will be broken down into two parts as follows:
  - a. the actions the Home Office has already taken to address questions of public safety raised by the Grenfell Tower fire, and the rationale behind them; and
  - b. further steps the Home Office is taking in response to the fire.
2. A table showing the senior staff involved and the areas for which they are responsible is annexed to this statement.
3. The actions taken by the Home Office continue to be the subject of ongoing review and development.
4. A position statement on these issues has also been requested from the Ministry for Housing, Communities and Local Government (MHCLG). The division of responsibilities in relation to fire safety between the Home Office and MHCLG is described in paragraphs 3 to 8 inclusive of the 9 February 2018 statement, as well as the Home Office's written submissions for the procedural hearing on 28 August 2018, paragraph 3. The Home Office has continued to work closely with MHCLG on many of the initiatives set out below.

**The actions the Home Office has already taken to address questions of public safety raised by the Grenfell Tower fire, and the rationale behind them**

*Home Office immediate response*

5. In the immediate aftermath of the tragedy, the Government established an emergency response team to address the bereaved, survivors and relatives' immediate needs, working with partners from the local authority and from the voluntary sector. These actions focused on assisting with rehousing and with any issues relating to immigration status.
6. The Home Office had a significant role in this work, and Home Office staff were on the ground at the site for six months after the tragedy. A dedicated Fire Safety Unit of 12 staff was created within the Home Office to focus on responding to the Inquiry, Hackitt Review and wider fire safety policy falling within its remit. The Unit has grown since its inception, and ongoing recruitment will bring the team to a total headcount of 25.3 full time equivalent staff by the end of 2018.

*Cladding tests and temporary remedial measures*

7. Cladding tests and temporary remedial measures are covered in detail in MHCLG's position statement.

*Groups established to lead and coordinate responses*

8. With MHCLG, the Home Office was involved in various task-focussed groups as set out below.

*Building Safety Programme*

9. The Building Safety Programme (BSP) is the overarching response of the Government to the building safety concerns in the immediate aftermath of the tragedy. This was led by MHCLG, with Home Office input. The purpose of the BSP is to: "make sure that residents of high-rise buildings are safe – and feel safe – now, and in the future", that is, to identify

buildings that are of concern, make existing buildings safe and to address problems in the wider building safety system. Its work encompasses the initial testing of materials and temporary remedial measures taken after the fire. The actions taken by the BSP are extensively set out in MHCLG's position statement, and are not repeated here.

10. The various specialist sub-groups set out below were established to guide and support this work.

#### *Ministerial Building Safety Group*

11. The Ministerial Building Safety Group was established to provide strategic oversight to coordinate delivery of Government-led aspects of the Building Safety Portfolio. The Home Office is represented on the Group at Ministerial level by the Rt. Hon Nick Hurd MP, Minister of State for Policing and the Fire Service.

#### *Independent Expert Advisory Panel on Building Safety (the **Expert Panel**)*

12. The Home Office, usually represented by a senior member of the Fire Safety Unit, attends and contributes to the Expert Panel meetings, chaired by Sir Ken Knight, former Chief Fire and Rescue Adviser for England. Under its terms of reference, the Expert Panel will provide advice on fire safety issues and consider whether there are any immediate actions that should be taken to ensure the safety of existing high-rise buildings, including advising on safety implications raised in the expert witness reports submitted to the Grenfell Tower public inquiry. The terms of reference are below.<sup>1</sup>
13. The early work of the Expert Panel included discussion of the outcome of the tests on building materials and their likely impact. Roy Wilsher, Chair of the National Fire Chiefs' Council (NFCC) and a core member of the Panel, advised that the fire and rescue services (FRSs) had recommended remedial fire safety measures in response (as set out in Melanie Dawes' letter of 22 June 2017 [SSHD/1]), and had increased their initial operational

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<sup>1</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/741398/Building\\_safety\\_-\\_independent\\_expert\\_advisory\\_panel\\_-\\_terms\\_of\\_reference.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/741398/Building_safety_-_independent_expert_advisory_panel_-_terms_of_reference.pdf)

response to fires involving Aluminium Composite Material (ACM) cladding and other tower block incidents.

14. The Home Office has contributed to the Expert Panel's discussion on remediation issues from the perspective of our policy responsibility for the Regulatory Reform (Fire Safety) Order 2005 (FSO) and as the department responsible for FRSs. Further details on the work of the Expert Panel are included in the MHCLG position statement.

#### *Private Sector Remediation Task Force*

15. The Home Office is a member of the MHCLG-led Private Sector Remediation Taskforce, a joint organisation of the NFCC, Local Government Association and London Councils. The Taskforce is charged with overseeing the swift remediation of private sector buildings with ACM cladding systems where owners have failed to act. Processes and guidance for the Taskforce are in production.

#### *Current fire safety guidance*

16. Following Grenfell, the Home Office (and other bodies) received many requests for guidance and clarification in relation to fire safety, specifically in relation to the Stay Put evacuation strategy. Several guidance notes were produced by the NFCC, first as a response to urgent concerns about public safety following the fire, and then revised over a longer timeframe. The NFCC advice included the *Waking Watch Guide* dated 2 October 2017 [SSHD/2], which was superseded by *Guidance to Support a Temporary Change to Simultaneous Evacuation Strategy*, dated 1 May 2018.<sup>2</sup> The following was endorsed by the Expert Panel:

- a. *Fire Safety in Purpose Built Flats* (Local Government Association (LGA)) (2011);<sup>3</sup>
- b. "Stay Put" guidance (NFCC);<sup>4</sup>

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<sup>2</sup>[https://www.nationalfirechiefs.org.uk/write/MediaUploads/NFCC%20Guidance%20publications/Protection/01052018/NFCC\\_simultaneous\\_Evacuation\\_guidance\\_final\\_doc.pdf](https://www.nationalfirechiefs.org.uk/write/MediaUploads/NFCC%20Guidance%20publications/Protection/01052018/NFCC_simultaneous_Evacuation_guidance_final_doc.pdf)

<sup>3</sup> <https://www.local.gov.uk/sites/default/files/documents/fire-safety-purpose-built-04b.pdf>

<sup>4</sup> <https://www.nationalfirechiefs.org.uk/Stay-Put-position>

- c. Waking Watch / Common Fire Alarm guidance (NFCC); and the later
- d. Simultaneous Evacuation guidance (NFCC).

*“Fire safety in purpose-built blocks of flats” (FSPBF)*

17. The LGA’s guidance, *FSPBF*, was developed in response to the 2009 Lakanal House fire. The Home Office and stakeholders assessed whether this guidance remained correct following the Grenfell fire, in particular because it endorsed the Stay Put evacuation strategy.
18. After discussion it was agreed that *FSPBF* remained appropriate guidance, although it should be read in conjunction with the advice notes and supplementary guidance on “Waking Watch” and simultaneous evacuation that have been produced by the Expert Panel and NFCC. As set out a paragraph 16 above the NFCC has since, with a wide range of stakeholders, developed guidance that supports *FSPBF*. *FSPBF* therefore remains appropriate for all purpose-built blocks of flats, although will be kept under review in the context of future changes to legislation, for which the Government acknowledges the need.

*“Stay Put”*

19. “Stay Put” is a strategy that can be applied to buildings that are designed with compartmentation with the aim of ensuring safety. It is based on the principle that only the residents of the flat of fire origin need to escape initially, while other residents may remain in their own flats unless their flat is affected by fire, heat, or smoke, or they are instructed to leave by the FRS.
20. An urgent review was carried out in order to ensure that the advice on “Stay Put” was correct and to reassure the public. The NFCC reviewed their advice with input from Home Office officials and the Expert Panel. Consideration was given to whether the general guidance to residents to “Stay Put” in the event of a fire needed to be changed. There were

discussions between Home Office officials, including the Permanent Secretary and Roy Wilsher to obtain his view on the need to revise the strategy.

21. The NFCC's position statement on Stay Put says that the general strategy remained unchanged. As the NFCC's Stay Put position statement makes clear, the fact that such a strategy remains in place does not mean that it will not be changed in the event of a fire once the FRS has attended. In accordance with *Generic Risk Assessment 3.2: Fighting Fires in High Rise Buildings (GRA3.2)*, FRSs are already expected to provide training in evacuation and casualty removal tactics and: "Incident Commanders should understand when a partial or full evacuation strategy might become necessary in a residential building where a "Stay Put" policy is normally in place" due to unexpected fire spread. GRA 3.2 directs FRSs to have consideration for vulnerable people in such circumstances.
22. The NFCC concluded that buildings with ACM cladding did not invalidate the whole Stay Put strategy and it remained the best approach in the vast majority of cases. This is due to the benefits of compartmentation (where a fire is contained in the flat of origin) and the inherent risks of evacuating high-rise blocks, including:
  - a. overcrowding of staircases;
  - b. risks of moving people with limited or no mobility;
  - c. opening of doors allowing smoke to spread;
  - d. residents leaving the building impeding access by the emergency services.
23. Those buildings for which Stay Put is no longer considered an appropriate policy are covered by the Waking Watch / Simultaneous Evacuation policy discussed below.

24. Despite Stay Put remaining the presumed strategy, the *Waking Watch* policy guidance dated 2 October 2017 provided fire safety advice in respect of purpose-built blocks of flats where: “a ‘Stay Put’ policy was part of the original design, but is no longer considered appropriate owing to significant risk issues such as combustible external facades.” The guidance therefore applies to buildings where unsafe ACM cladding has been identified, but is not limited to such buildings. Where such issues exist a temporary change to a simultaneous evacuation strategy was recommended until the failings have been rectified.
25. On 1st May 2018 the *Waking Watch* guidance was replaced by the *Simultaneous Evacuation* guidance. This guidance was referred to in the letter from the Rt. Hon James Brokenshire MP (Secretary of State for Housing, Communities and Local Government) dated 21 May 2018 [SSHD/3] summarising government thinking on Stay Put, including:
- a. Amendments to clarify and highlight the intention that a “Waking Watch”, or fire watch, whereby staff patrol the building and perimeter to guard against fire, is only a short-term solution and a fire alarm system should be installed if the risk cannot be removed quickly;
  - b. Further guidance on the information a competent person should consider in a risk assessment; and
  - c. Clarification that the risks to persons should be considered regardless of whether the building is above or below 18m in height.
26. The *Simultaneous Evacuation* guidance advises on how a simultaneous evacuation strategy can be implemented, and has a specific section (5.7-5.11) on steps to be taken to provide for the evacuation of vulnerable residents. The *Simultaneous Evacuation* guidance applies to the same buildings covered by its *Waking Watch* predecessor.

27. The NFCC has also provided guidance on *High Rise Safety for Residents*.<sup>5</sup>

### **Further steps the Home Office is taking in response to Grenfell**

#### *National fire safety campaign*

28. *Fire Kills* campaign was developed and delivered by the Home Office in close partnership with the NFCC and local FRSs. In 2017/18, and following a request from the Minister of State for Policing and the Fire Service, the campaign was undergoing a strategic review to consider the messaging, audience, branding, tone and style of the campaign. After the fire, the review was paused as public perceptions of fire risk had changed substantially and it was not the right approach to conduct the work in the period immediately after the fire. The work restarted in Spring 2018.

29. In March and April 2018, a national advertising campaign on fire safety ran on radio, digital and social media platforms, using the 2016/17 advertising materials with Government and NFCC branding rather than “*Fire Kills*”. Even while there was no national campaign activity, the Home Office’s wider fire safety role in facilitating local FRSs’ delivery of domestic fire safety interventions did continue. Officials continued to engage with the NFCC and local FRSs to support consistency of local activity and to share evidence and intelligence. Officials worked with partners on national topic-specific awareness weeks, creating resources, hooks and briefing packs to inform and support local FRS activity.

#### *Hackitt Review work and implementation*

30. The Home Office commissioned, jointly with MHCLG, the Independent Review of Building Regulations and Fire Safety, led by Dame Judith Hackitt.

31. The outcome of Dame Judith’s review, *Building a Safer Future* (the **Hackitt Report**), was published on 17 May 2018. Publication of the report was accompanied on the same day by a statement to the House of Commons from the Secretary of State for Housing, Communities

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<sup>5</sup> <https://www.nationalfirechiefs.org.uk/High--Rise-Safety-for-Residents>



and Local Government, the Rt. Hon James Brokenshire, informing the House that the Government agreed with Dame Judith's assessment and supported the principles behind the report's recommendations for a more effective system.<sup>6</sup>

32. Substantial work has been undertaken involving both MHCLG and the Home Office to develop detailed policy options in response to the Hackitt Report's recommendations. The Home Office role has been shaped by its lead on the funding and capability implications for fire and rescue authorities (FRAs), who are likely to have a more prominent future role (in line with the Dame Judith's recommendations), as well as its responsibility and the implications for the FSO. In discharging these responsibilities, the Home Office continues to make significant contributions to:

- a. policy discussions on the scope of the new regime and regulatory system;
- b. the issues around competence of those in the fire safety sector responsible for ensuring the safety of high risk buildings, including Fire Safety Enforcing Officers, Fire Risk Assessors and Fire Engineers; and
- c. the empowerment of residents, with the provision of accessible information relevant to their safety from fire risks in the buildings in which they live.

33. The Home Office played a part in the immediate response to the concerns regarding ACM cladding and the securing of the data used to identify all high rise social housing buildings with unsafe cladding (via the NFCC) and visiting those buildings (via FRSs) so that the risk can be quantified and appropriate interim or mitigating action could be taken. It continues to facilitate engagement between MHCLG and the NFCC, including discussions in relation to improvements in data gathering on private sector buildings requiring remediation.

34. While the Inquiry will appreciate that policy development in this area is ongoing, there are various specific steps being taken in response to the Hackitt Report's recommendations.

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<sup>6</sup> <https://www.gov.uk/government/speeches/statement-on-the-hackitt-review>

Some of these have already been referenced in the context of the Secretary of State MHCLG's July 2018 statement. The most relevant to HO policy responsibilities include:

- a. Development of the regulation surrounding the new regulatory regime: MHCLG, the Home Office, National Fire Chiefs Council, the Health and Safety Executive and others are in discussions to develop options for the shape of a new regulator, or similar organisation, including funding and interim measures;
- b. reform of the regulatory framework; and
- c. safety issues other than ACM: these include the issue of fire doors, which will be referred to in more detail below.

35. Implementing the Hackitt Report will require primary legislation and the Government has publicly stated that it will take measures to address shortcomings identified in the statutory and regulatory framework.

36. A further Ministerial Statement is planned for late 2018.

#### *Fire Doors*

37. Following the finding in the Metropolitan Police investigation that some flat entrance doors in Grenfell Tower failed to meet required fire resilience standards, and the subsequent research led by MHCLG, the Home Office has been working with MHCLG and the NFCC to consider options to enforce the replacement of similar doors. The Home Office has been working with stakeholders to consider the scope of existing powers in this area, in particular where such doors are the front doors of individual homes within a block. It has concluded that the LGA's *FSPBF* guidance provides the most appropriate advice to building owners on the actions they should take in such circumstances, read in conjunction with the advice notes referred to above. As outlined on page 39 of *FSPBF*, and as Dame Judith's review concluded, there are overlapping regulatory frameworks, the Housing Act 2004 and the FSO, which make it challenging to ensure that there is sufficient focus on fire safety for high

rise residential buildings. We intend to address this issue through regulatory changes in response to the Hackitt Report.

#### *Fire Standards Board*

38. In May 2018 the Home Office announced the creation, in conjunction with the National Fire Chiefs Council and the LGA, of an independent Fire Standards Board to oversee and commission professional standards for FRs across England. The Fire Standards Board is intended to ensure common professional standards across services, in conjunction with the NFCC. The Fire Standards Board, of which the Home Office will be a member, will be led by an independent chair and will set and agree its own priorities.

39. A new independent inspectorate of FRAs in England was established by the then SSHD. The Home Office has established Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) to inspect how effective and efficient each FRA is at keeping people safe and secure from fire and other risks and how well it looks after its people. In relation to effectiveness, it will consider how well FRs understand their current and future risks, work to prevent fires and other risks, protect the public through the regulation of fire safety, respond to fires and other emergencies, and respond to national risks. In relation to efficiency, it will consider how well FRs use their resources to manage risk and secure an affordable way of providing their service, now and in the future. In respect of people, it will consider how well FRs promote their values and culture, train their staff and ensure that they have the necessary skills, ensure fairness and diversity for their workforces, and develop leaders.

40. The first inspection took place in July 2018 and every FRA will be inspected by late 2019. Services will receive a separate grading for effectiveness, efficiency and people and reports will identify both notable practice and recommendations for improvement.

#### *Fire and Rescue National Framework*

41. The Home Office also published a revised Fire and Rescue National Framework on 8 May 2018 which set the government's objectives and priorities for FRs in England. The

Framework will be amended as necessary to take into account the lessons learned from the Grenfell tragedy, including recommendations of this Inquiry and the Hackitt Review.

## **Conclusion**

42. The Home Office has sought to assist the Inquiry in making this statement, particularly in relation to its focus on making interim recommendations. It stands ready to offer any further assistance and will give careful consideration to any findings the Inquiry makes. In particular, it will take these into account in developing and implementing future reforms to improve public safety.

Government Legal Department

26<sup>th</sup> October 2018

# ANNEX TO POSITION STATEMENT SUBMITTED ON BEHALF OF SSHD

Name	Grade	Job Title	Policy Areas Covered [cross refer to position statement]	Dates
Sir Philip Rutnam	SCS 4	Permanent Secretary	<ul style="list-style-type: none"> <li>Senior civil servant and accounting officer in the Home Office</li> </ul>	April 2017-
Paul Lincoln	SCS 3	Director General of Crime Policing and Fire Group	<ul style="list-style-type: none"> <li>Senior civil servant responsible for CPFG, which sets policy for crime prevention and law enforcement; and resources operational response to incidents and threats, particularly by the police and fire and rescue services, as well as driving improvements in their efficiency and effectiveness.</li> <li>Current directorates include Crime; Policing and Fire; Tackling Slavery and Exploitation; Public Protection; and Data &amp; Identity.</li> </ul>	May 2016-September 2017
Diana Lutchford	SCS 3	Acting Director of CPFG	<ul style="list-style-type: none"> <li>See above</li> </ul>	September-November 2017
Scott McPherson	SCS 3	Director General of CPFG	<ul style="list-style-type: none"> <li>See above</li> </ul>	November 2017-
David Lamberti	SCS 2	Director of Policing and Fire	<ul style="list-style-type: none"> <li>Core policing policy within the Home Office</li> <li>Fire and rescue service strategy</li> <li>Fire safety policy within the Home Office</li> </ul>	March 2017-(director of Policing July 2014- )
Chloë Dunnett	SCS 1	Head of Fire Strategy and Reform Unit	<ul style="list-style-type: none"> <li>Delivery of fire and rescue services reform including programme to improve FRS efficiency and collaboration; transparency and</li> </ul>	July 2016-August 2018

			accountability; and workforce reform.	
Brian Nash	TCA SCS 1	Acting Head of Fire Strategy and Reform Unit	<ul style="list-style-type: none"> <li>• See above</li> </ul>	August 2018-
Cecilia French	SCS 2	Head of Police Integrity Unit	<ul style="list-style-type: none"> <li>• Worked with David Lamberti and Chloë Dunnett on immediate response.</li> <li>• Led a team that was stood up to co-ordinate the Home Office's response to the fire and input to the Inquiry. Team formed in July 2017 until the establishment of the Fire Safety Unit (see below).</li> </ul>	June-September 2017.
Rod McLean	SCS 1	Head of Fire Safety Unit	<ul style="list-style-type: none"> <li>• Servicing the Grenfell Tower public inquiry.</li> <li>• Working with MHCLG on the implementation of a new regulatory regime for fire safety in high rise / high risk buildings</li> <li>• Fire prevention and protection policy</li> </ul>	September 2017-