

THE GRENFELL TOWER INQUIRY

**MAX FORDHAM LLP OUTLINE OPENING STATEMENT
PHASE 1**

Introduction

1. Max Fordham LLP (“Max Fordham”) would wish at the outset to express the deep sorrow felt by everybody within the practice about the harrowing events that took place on 14 June 2017 at Grenfell Tower. Nobody could fail to be profoundly moved by the individual stories of both tragedy and survival that have been reported in the press and which will be described in more detail as part of this Inquiry process.
2. Max Fordham want to understand from this Phase 1 of the Inquiry, as others no doubt do, just how it came to be that a fire of such magnitude could so rapidly engulf and overwhelm a building that was home to so many people.
3. Max Fordham would urge the Inquiry team and its appointed experts/assessors to approach their task in a balanced and even-handed way that is fair to all of those involved. Only by putting to one side some of the earlier press reporting and prejudices that have been formed before the evidence is available will this Inquiry be able to determine the real explanation for the cause and spread of this fire and to prevent such a tragedy from being repeated.

Phase 1: Factual Evidence

4. Max Fordham wishes very much to understand the individual stories from those living at Grenfell Tower, and to be able to piece together the events of that night and the context in which they arose.

5. Similarly, its legal team intend to explore, via Counsel to the Inquiry, the firefighters' accounts of what happened that night in order to build a picture, in conjunction with the photographic/video evidence, of how the fire and associated smoke spread throughout the outside and inside of the building.
6. At the time of preparing this Opening Statement, however, most of the firefighters' statements have only recently been disclosed and apparently a few remain outstanding. We have not seen any of the residents' statements, other than those relating to Flat 16. We are not yet in a position, therefore, to be able to indicate any broad lines of enquiry that call for examination.
7. Additionally, we have not yet had access to the building to examine for ourselves, with the assistance of our appointed experts, some of the evidence that has been reported by the Inquiry's experts, nor to understand whether there are further types of examination required. Our application for access was recently granted on 15 May 2018 and we are arranging a date when that can happen.

Phase 1: Expert Evidence

8. The expert evidence that has been served to date for Phase 1 remains incomplete at the time of preparation of this Opening Statement, with the report of Professor Torero still outstanding.
9. The report of Dr Lane is substantial (comprising 1,507 pages) and has only relatively recently been disclosed, on 18 April 2018. That report is based upon site inspections and examinations, analysis of firefighter statements and some material (including CCTV material) obtained from the police investigation. Most of that evidential material is still in the process of being disclosed to the Core Participants, and so we have not yet been able to assess that material ourselves.
10. Moreover, Dr Lane's report, in particular, is avowedly provisional in nature, to be amended (and perhaps significantly so) to take account of further evidential material that is yet to be evaluated, such as: records of calls to the emergency services, further inspection/examination of Grenfell Tower, evidence from occupants of Grenfell Tower, the oral evidence of firefighters going beyond that set

out in their written statements, evidence obtained from the Police investigation, including the BRE expert report, and so on.

11. Further, the Inquiry experts do not appear to have had sight of each others' reports at the time of the preparation of their own reports. This is particularly important so far as Dr Lane's report is concerned, as her report appears to trespass into areas under the remit of Professor Bisby and Mr Todd, and even into matters that appear properly capable only of determination during Phase 2 of the Inquiry. Dr Lane's report also does not pay any regard to the interim (now final) findings of the Independent Review of Building Regulations & Fire Safety by Dame Judith Hackitt.
12. It is therefore anticipated that further clarification and amendment of those expert reports will be necessary, in advance of the experts giving evidence as to any conclusions they have formed on the evidence for Phase 1. For these and the other reasons given in the preceding paragraph, it is not yet possible to set out any considered response to the provisional conclusions reached in those expert reports or to reach a final determination as to whether to propose that further expert evidence be called on such matters.
13. What *does* appear incontrovertible from the expert evidence as it presently stands is that the fire spread primarily across the exterior of the building, and rapidly so, causing secondary internal fires within apartments on all levels of the building above level 4.
14. There is also consensus by the experts that fire safety design for this type of building is premised upon the principle of "compartmentation" to avoid this very situation ever arising. This principle gives rise to two consequences:
 - 14.1. All other active and passive fire/smoke protection measures are designed to address the scenario of a fire on a single floor, not on multiple floors as occurred at Grenfell Tower; and

- 14.2. The advice given to people on floors, other than those on the single floor on which the fire is understood to have taken hold, is ordinarily to “stay put”; rather than to evacuate.
15. Max Fordham will wish, therefore, to examine as part of Phase 1 of the Inquiry the extent to which secondary fire/smoke protection measures or “layers” are affected and/or overcome by a fire that so extraordinarily bypasses the primary and overarching layer of protection that is the principle of compartmentation.

Dated 18 May 2018.

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