

**WITNESS STATEMENT**

Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5b

Statement of: DALY, DAN

Age if under 18: OVER 18 (if over 18 insert 'over 18')

Occupation: FIRE OFFICER

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This statement (consisting of 10 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: D A C DALEY

Date: 19/03/2018

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

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This statement relates to my role as a senior member of the London Fire Brigade Command Team responding to the fire emergency at Grenfell Tower on 14<sup>th</sup> June 2017.

I am an Assistant Commissioner with the London Fire Brigade. I have responsibility for the Fire Safety Department role I have held since April 2016. I have completed 29 years' service with the Brigade. I have completed 21 years' operational service in a variety of roles leading to my current status. I have completed internal (London Fire Brigade) Command Training which, involves continuous assessment and development. I have also received Joint Emergency Services Interoperability Programme (JESIP) training which is multi-agency working at major incidents.

In terms of a broader role, I have developed operational and strategic management skills. I started my career as a Firefighter in 1995. Since then, I have completed successive promotion rounds, subject to promotion assessments up to the rank of Assistant Commissioner, and most recently Director.

I have an extensive degree of operational experience in managing large scale and major incidents. Most recently, responding to the Sandilands Tram Crash and a number of large fires in the last year. My role at these incidents varies. I may be a monitoring officer, assessing the Incident Commander or, should the incident grow beyond a certain size or complexity, deem that I need to take over the role of Incident Commander. During the Westminster terrorist incident, I have performed the LFB 'Gold' role within the Special Operations Room (SOR) working with other partner agencies.

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I have responsibility for the Fire Safety Department of the London Fire Brigade. The role covers the leadership and direction of the Department, delivery of the Fire Safety function, which includes Regulatory Fire Safety and Community Safety.

Our (Fire Safety Department) regulatory role extends to any building to which the Reform Fire Safety Order has relevance. We conduct a pro-active risk based regulatory inspection programme, where we complete around 14,000 inspections a year on the regulatory side.

In terms of Community Safety; we cover a number of aspects, from youth engagement/intervention, Road Safety, Home Fire Safety Risk Assessments providing residents with prevention advice that develop behavioural impacts to try to prevent the risk of fire in their homes. Our remit also includes the prevention of personal risks of drowning from floods. We develop a broad approach in promoting a safety messaging service in collaborative partnership with other agencies.

The Fire Safety Department also have an enforcement arm which exercises powers under the Reform Fire Regulatory Order. Our Inspection Team(s) provide guidance to building owners/management who are non-compliant. Simple issues range from unlocking fire doors to obstruction removal from escape routes. Such issues are usually dealt with by way of 'good will advice' through to the issue of Enforcement Notices for the completion of works, required to meet regulations.

Enforcement Notices provide a time period to complete the work to meet compliance. Beyond that, where a failure to respond to a notice occurs, we either prosecute or, issue a Prohibition Notice which restricts the use of a building where we believe, its state poses an immediate threat to life.

On Tuesday 13<sup>th</sup> June 2017 I was scheduled to act as the Duty Brigade Manager from 1700 (5pm) until 0800 (8am) the following day. I was covering the Commissioner who, with the Director of Safety and Assurance, Steve APTER, were due to attend a meeting in Liverpool on the 14<sup>th</sup> June 2017. My colleague, Assistant Commissioner Dominic ELLIS, was scheduled to take on the role of Duty Brigade Manager from 8am.

On Wednesday 14<sup>th</sup> June 2017 I received a phone call from AC Richard MILLS at about 2.10am whilst, at home. AC MILLS was one of two 'on call' Duty ACs, the other Duty AC being, AC Andy ROE. It was unusual to receive a call directly from AC MILLS when in the role of Duty Brigade Manager. Normally, I

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would be contacted by the Commissioner's Staff Officer, Group Manager Keeley FOSTER. It is procedure that the Staff Officer would perform a staff function for the Duty Brigade Manager.

AC MILLS told me we (LFB) had a serious incident ongoing, along the lines of another 'Lakanal House' on our hands or, words to that effect. The conversation was around details of the incident. A large fire in a high rise block, over a number of floors and we were dealing with Fire Survival Guidance (FSG) calls. I think he told me the incident was a 40 pump (appliance) fire. The last time I recall an incident involving that number of appliances was prior to the closing ceremony of the London Olympics. I asked him where the incident was located. I was told in West London and that AC ROE had gone to the scene. I asked why he was contacting me and not the Staff Officer, and he told me the Staff Officer was contacting the Commissioner due to the nature of the incident, as she was still in London and not due to leave for Liverpool until around 6am. He also told me that Rob DAVIES, the Staff Officer to the Director of Safety and Assurance, Steve APTER was attempting to contact Steve, to make him aware.

I took it as read the incident would have been declared a major incident. I certainly would have expected such a declaration. I was not personally aware this had occurred, it was a reasonable assumption on my part that the Major Incident Protocol had been triggered.

As the Duty Brigade Manager I undertook to make my way to LFB Headquarters in Union Street, Southwark. I was to assume the 'Chair' of the Commissioner's Group and assume responsibility for the Strategic Review Arrangements (SRA) management of Brigade resources responding to the incident, and business usual activities. AC MILLS, also informed me that Deputy Assistant Commissioner Adrian FENTON, had gone to our fall back Brigade Coordination Centre (BCC) at Trafford.

Our main (BCC) is located at Merton, but at the time was undergoing an engineering upgrade. The (BCC) is part of the (SRA), coordinating resources and acts as a central point of communication.

The Commissioner's Group is a strategic group that coordinates a corporate LFB response and places together heads of Units to manage the incident and normal 'business as usual' going forward.

Commissioner's Group provides resilience to the LFB to manage the incident and maintain business continuity. This takes away strategic issues from the Incident Commander, who can focus on managing the incident and deal with what is in front of them. Commissioner's Group manages political considerations and provides logistical support as and when, required.

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On route to HQ I had formulated in my head a number of priorities, knowing that the Staff Officer would be coming to HQ in response to the incident. I, was putting into place a management structure to manage the incident. Considerations of placing and coordinating fire appliances across London, knowing and understanding what level of resource was required and available. These were my thought processes whilst driving to HQ.

My immediate action(s) was to set up the Commissioner's Group and get a detailed assessment of the incident. Identifying key attendees to the Group and allocating assignments to various managers to support function, (BCC), Communications Cell, and Logistics Cell, these were the plans formulating in my thought process at the time. I was conscious that the (BCC) was managing a 40 pump incident and dealing with numerous (FSG) calls would be extremely busy managing a high level of demand.

I took a call from the Commissioner's Staff Officer Keeley FOSTER who informed me that the Commissioner was attending the scene to act as monitoring officer for the Incident Commander, AC ROE. I arrived at HQ just after 3am to set up Commissioner's Group in the Commissioner's Suite where, I met with the Director of Safety and Assurance, Steve APTER and Staff Officer Group Manager Rob DAVIES. We had a quick discussion around roles and responsibilities. Director APTER is relatively new to the LFB having, recently joined us from Hampshire, he has extensive experience, but is new to London. I felt I could support him best, by providing advice in regard to the LFB processes and capabilities, as required.

Discussion evolved around the expectation that the Commissioner would not in my view, take control of the incident, but would stay in the role of monitoring the Incident Commander. Director APTER would 'chair' the Commissioner's Group now that I was no longer, in effect the Duty Brigade Manager. I was now a deployable Assistant Commissioner. The LFB organisational hierarchy would be the Commissioner or the Director to 'chair' the Commissioner's Group, I would revert to support Director APTER who would utilise my knowledge and experience of the Brigade and established relationships with other partner agencies, as required.

I had not seen any images of the incident prior to arrival at HQ. I took the opportunity to look at Sky TV that had live coverage and continuous footage of the scene, this was my first sight of the scale of the fire and what was being dealt with. I believe I was aware of a change of (FSG) from 'stay put' to self-evacuation. I am not sure who informed me of the change, it may have been the Commissioner's Staff

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Officer Keely FOSTER or, Director APTER or Staff Officer Group Manager Rob DAVIES when I arrived at HQ. I was aware that the guidance had been changed.

At this stage the management structure at the scene to my knowledge was, AC ROE as the Incident Commander, and the Commissioner supporting him in a monitoring role. The incident had 40 pumps in attendance with various resources coming on to support it (mainly crews in Breathing Apparatus).

My expectation was that the Bridgehead (closest control point to the fire) would be above the ground floor and the incident would be broken down into separate Sectors. I anticipated that an effective cordon structure would be in place. From experience, these measures would normally be in place and functioning. I saw my role in advising Director Steve APTER of incident requirements, resourcing and logistical support.

At about 3.30am we had a 'quick and dirty' (CG) meeting. Initial discussions centred on identifying key roles and assigning management personnel, making a partnership call to initiate the Special Operations Room (SRO) due to the nature, and size of the incident. We needed to designate an Officer to the (SRO) I suggested AC MILLS and we identified a loggist to assist him.

At this point the Head of Communications arrived at (CG) to coordinate a corporate message in how the incident was being managed - a normal major incident requirement. We identified AC ELLIS as a suitable candidate to relieve AC ROE as Incident Commander. I knew the incident was challenging and I wanted resilience around this key role. From what I could see, this was an incident about as challenging I have had experience of, so a need to identify an effective relief process for key decision makers was paramount. Equally, the need to identify a relief for DAC FENTON was found, he would be replaced in his role at the (BCC) by DAC PEREZ.

Pro-active elements at the scene were trying to achieve core objectives; that being to save lives, minimise the impact of the fire, contain the spread of the fire, and manage the impact of the fire on the local community. Our role was to establish resilience around Command and continuing a 'business as usual' LFB function.

I was conscious for the potential of a heightened awareness of fire incidents being reported by the public following exposure by media of the incident and the likely impact on residents in high rise buildings. We needed to have measures in place to meet this expected uplift in demand.

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I established that I was the single point of reference for the (BCC), the Incident Commander and AC MILLS in 'Gold' this was the model that I outlined for Director APTER. The communication route for the Incident Commander was via the Commissioner's Staff Officer Keely FOSTER. AC MILLS was the LFB representative at (SOR).

The LFB Strategic Command Structure had now taken shape and was as follows;

HQ - Director Steve APTER with myself as support, DAC Adrian FENTON at (BCC), AC Andy ROE as Incident Commander monitored by the Commissioner. AC Richard MILLS as LFB 'Gold' Representative at the (SOR).

This incident required a large demand of (BA) equipped resources as the major effort was to locate and rescue saveable life. A demand for Extended Breathing Apparatus (EDBA) in particular. The scale of committed LFB resources at the initial stage of the incident was a 40 pump (appliance) which equates to over 200 firefighting personnel. The LFB have across London, a total of 142 Fire Appliances some of which were 'off the run' (unavailable for deployment) this was a significant demand of resources but, within our operational capacity.

I have personal knowledge of the initial Incident Commander AC Andy ROE. I have previously monitored him in the role as an Incident Commander at the Sandilands Tram Crash. I see him as an experienced and capable Incident Commander, and was reassured in his ability to act as the Incident Commander. What I would have expected to be in place at the incident was, in place. Added to this, the Commissioner was at the scene in a monitoring role, so if any issue had been overlooked this would have been captured by the Commissioner, as part of that monitoring process.

The Commissioner's Group had its initial formal meeting at 0530am. AC MILLS being present for the first 10 minutes prior to taking up his role as LFB 'GOLD' in the (SOR). We had started to initiate a relief plan for all assigned decision makers once we had completed an up to date incident assessment. AC ELLIS was the relief Incident Commander was on post from 11am onwards, I recall a message from him later in the day that no saveable life remained in the building. Up until this point, I am unsure of the time, the incident priority was search and rescue of saveable life. I personally, felt that we (LFB) may have passed that point earlier, but that was not my call, in the role I was performing. Later in the day, I was informed by AC ELLIS that crews had secured access to all floors of the building this was about 4pm.

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My recollection of the notification of (FSG) reversal had come, I believe from DAC FENTON in the (BCC) in conjunction with AC ROE at the scene. In terms of timeline around this decision I was not directly concerned. My role was to establish and support the (CG). The decision told me professionally, that conditions in the building after information coming in from (FSG) calls, made the situation around 'stay put' no longer viable.

'Stay Put' is not just about staying where you are. There are caveats around that. If there is fire in your flat you should look to leave. If you are affected by smoke you should look to leave. If you can't leave due to the fire, you should seek a position of shelter. So the policy isn't fixed, but it is a layered form of guidance subject to your personal situation.

Information had been received (either from FSG calls or updates from Firefighters) that the conditions suitable for 'stay put' had been overrun either, by fire or, smoke. That I assume, triggered the change. Sources of information may originate from (BCC) or, from fire crews in the building, that may have led to his (AC ROE's) decision to change policy. I cannot comment on how that led to the decision being made.

Normally, (BCC) or Control (call handler) is in direct contact with someone in a building affected by fire. Information gathered by questioning will ascertain whether the person can self-evacuate and establish exactly what the circumstances are. For example if, a person says, I am not affected by the fire but, unable to escape the fire, then that person becomes subject of a (FSG) call. Control Officers (call handlers) work with the information they have, call handlers have a process and seek to establish all information to make a decision whether the person is reporting an (FSG) call. This assessment is relayed to a (FSG) Commander who is not directly involved in the firefighting operation, whose function is to manage that call separately from other firefighting functions.

Information secured by call handlers usually involve the address or last known location of the person in contact. Where they are located in the flat, how many people are in the flat, or any other relevant information that may affect or, impede the person's ability to escape the fire.

This information is passed to the incident FSG Commander to decide an appropriate response based on information received. This is a subjective exercise based on the person providing the information. Their last known location in relation to the fire, their mobility, vulnerability, or other factors will determine priority of how they are located and rescued. (FSG) calls are not commonplace at fire incidents. They are

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common enough to be a feature of our response procedures and forms part of the training supplied to operational officers. This issue (FSG management) is at the upper end of our response and operational priorities and demands.

(FSG) calls are not generally a common occurrence in the bulk of fire emergencies. The scale of (FSG) at the Grenfell Tower was unprecedented. I have never experienced anything on that level before. Calls received into the (BCC) are managed by experienced handlers who in turn, communicate to the (FSG) Command Unit on the ground. Ideally, the call is prioritised to a ground assigned crew to effect a search and rescue operation. The volume of calls may have had a tactical bearing on how the calls were prioritised or, managed. This is outside my personal knowledge.

The decision to reverse the 'stay put' policy was in my view a tactical one, taken on the night. It was likely that the conditions in the building at the time did not support the policy. In most cases 'stay put' policy in the vast majority of high rise buildings is the right advice. There are buildings with external cladding that now have interim arrangements that we (Fire Safety Department) are looking at. We have put in place a reassurance programme reinforcing the 'stay put' policy.

A communications strategy was constructed shortly after the incident, as many people in London waking up to those images would be concerned residents in high rise buildings. Those buildings (similar in construction to Grenfell Tower) are not designed for people to self-evacuate. They are designed for people to stay put when a fire is detected or reported.

My experience tells me most of the high rise fires we attend are, normally small, contained in one compartment or, flat. Many residents would not be aware of a fire in the building. Many residents in the unaffected (by fire) parts of the building are unaware that we (LFB) have attended the building.

We had (CG) meetings at 0530 and 0730 at HQ. After the 0730 Director Steve APTER decided to attend the scene to support issues there. We had at this time, crews operating on the edge of risk benefit. I was aware that we (CG) may have to deal with other issues such as potentially losing a Firefighter. It was very present in my mind. The operating environment was extreme and from that I felt we needed resilience here at HQ. It was as a consequence of this that, I assumed the 'Chair' of the (CG). I chaired my 1st (CG) at 0930.

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We had at this point over 40 pumps at the scene and 14 Fire Rescue Units (the LFB entire complement) due to their crews being equipped with EDBA, which at the search and rescue stage of the operation were in great demand. I put into place staff welfare resources to support those Firefighters at the scene who were, now being made available for debrief. I was aware that many Firefighters had witnessed distressing scenes and events. I was aware that a number of fatalities had occurred at the incident, reports from crews stating that a number of bodies were located on stairways creating issues that hampered movement within the building.

Information from Police colleagues stated that at least 6 people were confirmed dead with the potential for many more fatalities which, proved to be the case. My role was directed toward logistical issues in setting up resilience and support to staff coming away from the scene. Equally, I was engaged in placing appliances not committed to the incident to 'standby positions' covering those appliances held at the scene. We use a 'Dynamic Cover Tool' to maintain business as usual from an operational perspective.

Transporting crews to, and from, the incident proved a logistical challenge, as a number of fire appliances were grid locked at the scene. This is not uncommon at major incidents due to the limited operating space in urban areas of London. We operated a shuttle bus system to move crews initially to Paddington for debrief and replace crews at the scene to contain the fire.

At some point, I explored the possibility of securing mutual assistance from other Fire & Rescue Services around London to provide additional EDBA equipped crews. At one point in time it appeared demand was at a critical stage however, the fire was now contained and the demand for EDBA crews receded. We were able to operate at the scene with Firefighters equipped with Standard Duration Breathing Apparatus (SDBA).

I have been asked to comment on any issues that may have impacted upon our ability to tackle the fire as it occurred. In my view, in terms of fixed firefighting facilities I, would have expected a main inlet/hydrant close to main entrance providing us with sufficient water supply which would have allowed us to tackle the fire at upper levels, but not across multiple floors, protection of the main stairway from smoke and heat, the introduction of firefighting measures may have created a certain amount of smoke and heat in the stairway.

From a fire safety perspective, the structure of the building compartment walls and doors would present an element of fire stopping measures of around 30-60 minutes duration in most buildings of this type. The

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behaviour and external spread of the fire being witnessed, was such that, clearly no one, would have expected to have seen.

In August last year (2016), I attended, and took charge of, a fire incident at Shepherds Court, Shepherds Bush, in West London. At this incident there was an external spread of flame, a fire that affected 5 flats, which we would not have expected. The fire was nowhere near as aggressive as what was witnessed here (Grenfell). On the back of that incident I, wrote as Head of Fire Safety, to the local authority making them aware of the particular issue linked to that incident. The fire was linked to spandrel infills of the double glazing units, which ignited external panels of the building. This fire incident occurred during the middle of the day, had low occupancy as a result, which may have been a factor in there were no casualties arising from the incident.

In regard to Grenfell I, had never witnessed an external fire spread that rapid, that aggressive, that was the surprising element for me. The presence of one stairway in residential tower blocks such as Grenfell Tower is a common condition. The stairway is designed for access and not as a means of fire escape or fire evacuation. The strategy for this type of building is to 'stay put'. The building with everything functioning (fire prevention measures) in line with regulations would allow people to remain in their flats and the fire to be dealt with.

The impact on the Brigade was immediate. As part of the (CG) AC ELLIS and I, walked the floors of Brigade HQ, everyone here has a vested interest in public safety. I detected an overriding sense of grief and mourning. We are here to serve a purpose and clearly something hadn't worked. The atmosphere was palpable. I was aware the incident had a direct impact on operational staff. I became aware how much it affected some of our non- operational staff, a welfare programme was commissioned to support all staff who played a part in the incident. I personally don't feel, since 14th June 2017 I have come out of responding to that incident. The impact on my day to day job has been profound.

From a community safety side, the messaging programme continues, we haven't seen huge mass evacuations from high rise buildings, we had seen some but, not at the level I would have expected. There hasn't been the over-reporting of fire related incidents from residents in high rise buildings. The work we (Fire Safety Department) had been doing, managed residential expectations around fire safety reassurance.

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There is an ongoing nationwide inspection programme being conducted by the National Fire Chiefs Council (NFCC) and the Department for Communities and Local Government (DCLG) in relation to high rise buildings.

Currently, on a national basis, I believe that the vast majority of risk sits in London. As we are part of the programme, the 'ask' on us (LFB) is huge. We are conducting assessments to inspect and examine elements of those buildings to which the Regulatory Reform Fire Safety Order applies. Initially, the bout of inspections centred on the condition of general fire precautions in the buildings, of fire doors and fire resistance of compartments in high rise residential buildings. Subsequent to that work, we had a number of confirmed safety assembly failures in relation to the combustibility of cladding.

We have gone back to a number of buildings along with the person holding responsibility for the building, to implement a range of mitigating measures that were outlined by the (DCLG) and the expert panel set up by Government to examine this issue.

I have a number of officers working in conjunction with the expert panel to identify interim measures that have been put in place, such as, 'Wakeful Watch' these are very much interim measures until such time that the failing cladding has been removed and replaced with some other material.

We have 92 buildings that are subject to 'simultaneous evacuation' that is the purpose of 'Waking Watch'. It is not simply, to tell residents there is a fire, it is to facilitate the evacuation of building. The measure is necessary due to the extent of the impact the cladding has upon that building. Where there is potential for external fire spread and for that fire spread to 'interact' with escape routes via air vents, windows etc. the general fire precaution and compartmentation could be compromised and 'stay put' may not be viable.

'Waking Watch' Wardens would initiate an immediate evacuation of the building. We have had a number of buildings in London that have de-cladded, and now revert back to the 'stay put' fire safety advice. There is an ongoing issue around the cost of the de-cladding process which is outside our remit. Our role at this stage is to provide safety advice as the decladding programme moves forward. The Fire Service used to be responsible for the certification of buildings. However, over 11 years ago, the Reform Fire Safety Order came into effect, making the building owner or, responsible person accountable for fire safety and having a fire risk assessment completed in respect of the building.

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The interim measures put into place by my Department are a risk assessment of fire risks that we did not know, existed before, this is on account of the presence of the cladding. The persons with responsibility for fitting or, arranging the fitting of the cladding believed that the material added to the building would be fire risk compliant. The presence of cladding has created a need to review the current fire risk assessment made in relation to a building still having the cladding material in place.

Each time a building is modified or, altered in a structural way, it would require a renewed fire risk assessment, or a review of the impact any change makes upon the building, like the removal of fire doors or isolating of fire/smoke alarms during any renovation programme.

The fire at Grenfell Tower was in my experience, unprecedented. I have attended a number of large fires during my career, but have never before witnessed (remotely; 3<sup>rd</sup> hand via detailed discussion with colleagues) the clear and present risk to life, the speed and development a fire in those circumstances.

From my perspective on the night, supporting crews on the ground and taking the Brigade forward the 'ask' of the Firefighters was beyond anything I would have asked Firefighters to do. The demand on the Incident Commander was beyond my experience or expectation of what an Incident Commander would be faced with.

We, as Brigade leaders, are tasked in terms of assessment processes with scenarios which are extremely challenging, even to the extent that some are far-fetched, having to consider a range of unlikely factors. I, during assessments have been put under pressure in a training environment, but the experience of the incident is far beyond what an Incident Commander is expected to encounter. I have reflected on how I might react if, I were in the situation AC ROE found himself as the Incident Commander, it was an extremely challenging situation which in the circumstances in my view he, managed professionally and did an incredible job.

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