

# Grenfell Tower Inquiry

INQUEST

3rd Floor

89-93 Fonthill Road

London

N4 3JH

By email only

Thursday 13 September 2018

Dear Ms Coles

Thank you for your letter of 22<sup>nd</sup> August. As I explained to you last week, we thought it was right to await the procedural hearing on Monday 3rd September, and the Chairman's subsequent ruling, before I replied in full.

Making the Public Inquiry as accessible as possible is always one of our priorities. We provide funding to enable all bereaved, survivor and resident (BSR) core participants to have legal representatives – solicitors and counsel – who can act on their behalf in the Inquiry. We also provide funding for BSR core participants to attend the hearings, covering both travel and subsistence expenses. We provide two reserved rooms for them and dedicated seating within the main hearing room itself. We also provide an additional viewing location in the Royal Borough of Kensington and Chelsea and anyone with an internet connection is able to watch the Inquiry as it is live streamed. We fund interpreters for those core participants who need them. We also provide funding, where appropriate, for core participants to employ their own technical experts to advise them. We provide accessible easy guides into the work of the Inquiry and translate these, along with other key documents, into Arabic and Farsi.

De Vere Holborn Bars, 138-142 Holborn, London EC1N 2NQ

020 7842 3583/0800 1214282

General enquiries: [contact@grenfelltowerinquiry.org.uk](mailto:contact@grenfelltowerinquiry.org.uk)

Legal enquiries: [solicitor@grenfelltowerinquiry.org.uk](mailto:solicitor@grenfelltowerinquiry.org.uk)

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I will address each of your specific points in turn.

## **1. The Inquiry Venue**

We have always been clear that we need sufficient facilities on site for all those attending the hearings. I wrote to all core participants on the 18<sup>th</sup> June explaining our requirements for a hearing venue and a summary of my letter was published on our website. We promptly provided further detail about those requirements in response to a specific follow-up request from Grenfell United. We began our initial search for a location in 2017 with the postcode of Grenfell Tower and worked the search outwards as necessary. In doing so we have researched a considerable number of locations in Kensington and elsewhere and have looked seriously at all suggestions kindly made to us. The requirements of an independent public inquiry are however extensive:

- we need a sufficiently large hearing room and a number of additional rooms of various sizes
- we need the ability to install the permanent infrastructure required for the technology to support the Inquiry, which can mean altering the internal fabric of a building
- we need the use of the hearing room seven days a week, because it would not be possible to remove all the infrastructure at weekends
- we also need to have the premises at our full disposal for an indefinite and potentially lengthy period of time.

Holborn Bars was the closest venue that met adequately all our requirements and so has been the Inquiry's main venue since procedural hearings began in December 2017. Holborn Bars provides, all on the same floor and in the same area, a large main hearing room, a separate large viewing annex, a private room for the bereaved, survivors and residents to view the proceedings within the vicinity but away from the main hearing room itself, an

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additional separate quiet room for the bereaved, survivors and residents to use, a counselling room, a prayer room, a locker room for legal representatives and two witness waiting rooms. It has good disabled access for those with mobility issues and is within a secure environment. Additionally, to enable bereaved, survivors and residents to participate without attending Holborn Bars in person the Inquiry live-screens proceedings to the Notting Hill Methodist Church daily, as well as via the Internet.

As we have explained, where we do not need the full facilities for our work, or the same degree of permanence, we will always look first to the local area. We were pleased therefore to be able to hold the Commemoration hearings in the Royal Borough of Kensington and Chelsea, as you note, but I am sure you will understand the difference between finding a conference style venue for two weeks and finding a permanent hearing venue available seven days a week where we can install the infrastructure required for the technology to support the Inquiry's hearings. The Inquiry has had to build a dedicated hearing room in Holborn Bars, including installing IT, cabling and security measures.

In response to the request from legal representatives that another venue should be found specifically for taking the BSRs' evidence, I have looked once again at the availability of alternative venues. As noted in the Chairman's response, there is no suitable alternative venue capable of accommodating a four-week hearing in a month's time with the provision of the minimum physical and communications infrastructure that would be required.

As I have said previously, we strive to make the Inquiry as accessible as possible: we pay a daily travel and subsistence allowance to bereaved, survivor and resident core participants attending the hearings at Holborn Bars and consider additional necessary expenses for those with additional mobility needs on a case-by-case basis.

## **2. Questioning of Witnesses**

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As the Chairman has noted in his response to core participants, the Inquiry Rules 2006 make provision for recognised legal representatives to apply for permission to ask questions of a witness and the Chairman will consider any such applications as and when they are made.

Otherwise, the Rules say that, with limited exceptions, only Counsel to the Inquiry and the inquiry panel may ask questions of witnesses. However, the questions the Inquiry asks may include those that lawyers representing core participants have suggested based on the evidence that has been disclosed to them in advance of the hearing and on evidence heard in the hearing. More generally, the questioning may be along lines of inquiry that core participants or other witnesses have prompted when giving evidence themselves.

Unlike proceedings in court, a public inquiry is not of course adversarial in nature. It is an inquisitorial process. Its task is to get to the truth and it calls witnesses to help it do so. Witnesses do not give evidence 'for' or 'against' anyone and therefore there is no place for cross-examination of the kind that takes place in court.

As you will have seen from the proceedings, legal representatives of core participants have been submitting many questions which have been put to witnesses as points have arisen. We have a clear process in place for doing this. Ensuring that questions come through a single person – one of the Counsel to the Inquiry – is however supportive of the witnesses, keeps the process of giving evidence straightforward, avoids duplication and ensures that the person asking the questions is aware of potential vulnerabilities. As the Chairman has also explained to core participants, we need to be consistent across all witnesses in our approach to questioning.

### **3. Disclosure**

The vast majority of documents relevant to Phase 1 have been disclosed. There have been over 50 tranches of disclosure made to core participants to date comprising in excess of

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18,000 documents. As the Chairman also explained in his recent ruling, a small number still remain to be disclosed, having come into the possession of the Inquiry only very recently: the Inquiry continues to receive relevant material from external providers including the Metropolitan Police and the London Fire Brigade. These documents are currently going through the Inquiry's disclosure review processes and will be disclosed as soon as possible.

To date, the Inquiry has received over 378,000 documents and it is expected that this number will rise to 400,000. The vast majority of those documents that have not yet been disclosed are relevant, if at all, only to the issues that will be considered in Phase 2. The Inquiry has a rolling programme of disclosure of relevant documents and this will continue throughout the Inquiry as evidence continues to be received. All relevant documents will be disclosed in good time (subject to the redaction protocols and to the avoidance of duplication).

I hope you will therefore see that the Inquiry takes seriously its obligations under Article 2 of the European Convention Human Rights. We have worked hard to set up an accessible hearing infrastructure for the Inquiry to enable full participation by BSRs. We, rightly, started the Inquiry with commemoration hearings for those who lost their lives.. We have facilitated questions being put to witnesses from core participants' legal representatives, managing this in a way that is mindful of the support requirements of witnesses. We have a clear, comprehensive and transparent disclosure process.

You may also be interested to note that the Chairman has given his support to the suggestion that the lawyers acting for the bereaved should take the lead in marshalling the evidence surrounding the circumstances in which their loved ones died. In connection with this particular aspect of the Inquiry's work, the Chairman considers it right that counsel for each of the BSRs who lost loved ones in the fire should be able to address him on the evidence bearing on the issues relevant to article 2.

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I would be happy to meet with any of the signatories to your letter to discuss any of these points further, and any other issues they may wish to raise with me. Thank you once again for your letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mark Fisher', with a horizontal line underneath.

MARK FISHER

Secretary to the Inquiry

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