

GRENFELL TOWER INQUIRY

WRITTEN SUBMISSIONS ON BEHALF OF BSR TEAM 1 RE. APPLICATION FOR UNDERTAKING FROM ATTORNEY-GENERAL

Position

1. Our clients' legitimate objectives are well-known to the Inquiry. They desire:
 - 1.1. Transparency and the truth in relation to the matters the Inquiry has been tasked to investigate.
 - 1.2. Meaningful change designed to prevent a disaster of this kind occurring again.
 - 1.3. Accountability, not merely in the form of very clear attribution of responsibility for failings, but also, ultimately, in the form of criminal liability where that is warranted.
2. This Inquiry is therefore vital to our clients: it provides a forum in which critical questions can and must be asked and answered, so that the truth emerges, and meaningful change can be effected. To the extent that the facts justify criminal prosecution, our clients are justified in expecting this course to be pursued vigorously.
3. The application places our clients in an impossible position. To ask them firmly to support or resist the application requires them to choose between what may turn out to be competing objectives, but our clients are asked to make the decision on substantially incomplete knowledge of the evidence that may emerge. This is a complex choice on which clients, understandably, have divergent views.
4. Our clients' position in relation to the application must therefore be one of neutrality.
5. However, we recognise that:
 - 5.1. The Inquiry's duty is to act in the best interests of fulfilling its Terms of Reference while also bearing in mind its obligations of fairness under s. 17(3) of the Inquiries Act 2005, as opposed to pursuing any other objectives, such as criminal liability.

- 5.2. It is clear that the threatened refusal by substantial numbers of important witnesses to ask a broad range of questions will seriously hinder or undermine the Inquiry's ability to fulfil its Terms of Reference adequately or at all.

Form of Undertaking

6. Should an undertaking be sought, our clients do not propose any changes to the wording sought by the applicants, subject to the removal of the words in brackets at paragraph 2(i), which the Chairman identified as being inapplicable.

Urgency

7. In our oral opening submissions, we emphasised that the dangers posed by the current regulatory system to the general public necessitates great urgency of the Inquiry's work. The inexcusable timing of this application has already delayed the Inquiry's timetable, to the detriment of our clients and the public interest as a whole. Further delay must be avoided or minimised at all costs.
8. If the Inquiry decides to request an undertaking, our clients ask that the urgency of this matter be impressed upon the Attorney-General's Office in the strongest possible terms. Any delay on the Attorney's part in processing this request will be seen by our clients as acceding to what is a clear attempt at sabotage by the corporate and institutional core participants.

Oral Submissions

9. We request an opportunity to deliver brief oral submissions during the course of Monday's hearing, but anticipate that no more than ten minutes will be required.