Grenfell Tower Inquiry

Module 6 - Government

Factsheet

Phase 1 of the Inquiry covered what happened at Grenfell Tower on the night of 14 June 2017, and the immediate causes and effects of the fire on the night.

Phase 2 is the examination of the reasons why the fire happened, and is divided into 8 modules.

Module 6 will continue to examine issues relating to firefighting and fire risk assessment. It will also examine in further detail a number of aspects of the regime for the testing, certification and classification of materials for use in external cladding systems. Finally, the Inquiry will examine the role of central government in establishing the legislative regime and formulating guidance on how to comply with it.

As a result, **Module 6** will be structured in the following manner:

- firefighting;
- testing and certification;
- fire risk assessment; and
- the role of central government.

The module will commence with opening statements relating to firefighting. Further opening statements in relation to testing, fire risk assessment and the role of government will be made later in the module.

1. Firefighting

This section will follow directly from the issues that were considered in Module 5. The remaining firefighting issues to be considered in Module 6 are:

(a) The adequacy of the London Fire Brigade's policies on the management of fire survival guidance calls;

(b) The development of Generic Risk Assessment (GRA) 3.2 and the evacuation of high-rise residential buildings;

(c) The translation into the LFB's operational policy and practice of its knowledge of the fire risks presented by cladding;

(d) The lessons arising from the Lakanal House fire and other relevant fires in the UK and abroad, to the extent that they have not already been considered in Module 5.

2. Testing and Certification

In Module 2 the Inquiry examined in detail the fire-testing, classification and certification of the materials that were used on the external wall of Grenfell Tower.

In Module 6, the Inquiry will broaden the scope of its investigations into the wider regime for the fire safety testing and classification of construction products and systems, including the role of central government.

This section will hear further evidence about the testing, classification, certification and marketing of specific construction products. In addition, the Inquiry intends to explore in evidence issues relating to:

(a) The development of the various standards and criteria relevant to fire safety for external wall arrangements, including testing to BS 8414/BR 135 and "desktop assessments";

(b) Part B of the Building Regulations and "routes to compliance" with the requirements of Approved Document B for external façade systems;

(c) The standards, procedures and operational practices of accredited fire testing organisations, such as the Building Research Establishment, in relation to the fire testing of external wall materials and systems;

(d) The standards, procedures and operational practices of certification bodies, such as the British Board of Agrément and Local Authority Building Control;

(e) The system of accreditation for testing and classification bodies;

(f) The development of guidance in relation to the fire safety of external wall systems produced by manufacturers, industry associations and standards-setting organisations;

(g) The role of organisations such as the National House Building Council;

(h) The interaction between manufacturers, testing and classification organisations, certification and accreditation bodies, industry associations and standards-setting organisations;

(i) The oversight or regulation of the regime for testing, classification and certification as a whole in relation to fire safety and performance in fire;

(j) The role of central government in any such oversight.

The Inquiry therefore currently intends to hear evidence from witnesses from accreditation/certification/testing bodies and central government bodies such as:

- Building Research Establishment (BRE)
- Centre for Windows and Cladding Technology (CWCT)
- Local Authority Building Control (LABC)
- Department for Levelling Up, Housing and Communities (formerly the Ministry for Housing, Communities and Local Government (MHCLG))

- National House Building Council (NHBC)
- United Kingdom Accreditation Service (UKAS)

3. Fire Risk Assessment

The further matters relevant to fire risk assessment under the Regulatory Reform (Fire Safety) Order 2005 (referred to as the "RRO") in Module 6 are:

(a) The steps taken by the Fire Sector Federation and central government in response to the concerns raised by Her Honour Frances Kirkham, Assistant Deputy Coroner in the Lakanal House inquests in relation to clarifying the scope of fire risk assessments and the training and competence of fire risk assessors;

(b) The development, review, and implementation of guidance relating to the competence of fire risk assessors, in particular, the publications entitled '*Competency Criteria for Fire Risk Assessors*', and '*A Guide to Choosing a Competent Fire Risk Assessor*'.

The Inquiry plans to hear oral evidence from former ministers and officials in the Department for Levelling Up, Housing and Communities (formerly the Ministry for Housing, Communities and Local Government) and the Home Office.

4. Government

Finally, Module 6 will undertake a close examination of the functional requirements of the Building Regulations and the published guidance on fire safety. It is intended that this will include detailed consideration of:

(a) the development and interpretation of the relevant Building Regulations and associated guidance;

(b) government policy on relevant aspects of fire safety and the evidential or other basis for such policies;

(c) reviews of and amendments to the Building Regulations and associated guidance, including consultations;

(d) fire safety research commissioned by government and other relevant organisations, the conclusions drawn from it and any action taken by government in relation to such research;

(e) the government's handling of questions raised in relation to fire safety by external individuals and organisations.

The Inquiry will also carry out an examination of the relevance to the fire at Grenfell Tower of recommendations made following previous fires, including the fire at Lakanal House.

As well as scrutiny of the steps taken by the government pursuant to recommendations made by public inquiries, coroners, Parliamentary committees, experts and industry associations, the Inquiry will consider the conclusions reached following investigations into previous fires.

The Inquiry plans to hear oral evidence from former ministers and officials in the Department for Levelling Up, Housing and Communities (formerly the Ministry for Housing, Communities and Local Government).

Duration

Module 6 is scheduled to run from October 2021 to March 2022.

Expert witnesses in Module 6

There will be no expert witnesses giving evidence in **Module 6**.

Grenfell Tower Inquiry

Key terms for Module 6

Approved Document B (referred to as ADB). This is statutory guidance approved by the Secretary of State for Housing, Communities and Local Government. ADB provides guidance on how to comply with the requirements of the Building Regulations. A person designing a building is not obliged to follow ADB and may choose to adopt other methods or materials, provided that the building when completed complies with the functional requirements of the Building Regulations.

BS 8414. This is a test method for assessing the fire performance of cladding systems (as distinct from individual components). There are two types of test: BS 8414-1 for systems applied to the masonry face of a building and BS 8414-2 for systems fixed to a structural steel frame. The test that was relevant to the refurbishment at Grenfell Tower was BS 8414-1. The results of BS 8414 tests are classified in accordance with the criteria set out in a document entitled BR 135 - *Fire performance of external thermal insulation for walls of multi-storey buildings.*

BR 135 "Fire performance of external thermal insulation for walls of multi-storey buildings". This document was produced by the Building Research Establishment and contains classification criteria for determining whether cladding systems tested in accordance with BS 8414 are suitable for use on buildings with a storey above 18 metres in height. A cladding system tested in accordance with BS 8414 which satisfied the criteria set out in BR 135 would comply with the provisions of Approved Document B and could be expected to comply with the requirements of the Building Regulations.

British Standard reaction to fire tests (shortened to BS). These are the relevant national reaction to fire tests relevant to this phase of the Inquiry:

- BS 476-4 is a test of combustibility. Materials which satisfy certain criteria when tested in accordance with the prescribed method are regarded as non-combustible;

- BS 476-6 is a test for fire propagation. This is a measure of the contribution a material makes to the growth of fire. Together with BS 476-7 this test forms the basis of Class 0 classification;
- BS 476-7 is a surface spread of flame test for products. Together with BS 476-6 this test forms the basis of Class 0 classification;
- BS 476-11 measures the heat emission from materials. It is one of the two national tests that can provide a limited combustibility classification (alongside BS 476-4).

Chief Fire and Rescue Adviser (CFRA). The CFRA is employed by the government to provide strategic advice and guidance to ministers, civil servants, fire and rescue authorities in England and other partners, on the structure, organisation and performance of fire and rescue authorities.

The role of CFRA was created by the UK government in February 2007 and was originally part of the (then) Department for Communities and Local Government. It is now based in the Home Office.

Class 0 (sometimes wrongly referred to as Class O). This is a national product performance classification for lining materials defined in Approved Document B. It can be achieved either by a product being comprised throughout of material of limited combustibility, or by meeting certain requirements when tested in accordance with both BS 476-6 and BS 476-7. There is no European equivalent to Class 0.

Desktop Study (or desktop assessment). The term “desktop study” has commonly been used to describe an assessment based on calculations in lieu of a physical test. The term has been particularly associated with external wall insulation and cladding systems.

European Reaction to Fire Tests (shortened to EN). European reaction to fire tests have their own numbering and separate classification standard. They are issued by the Comité Européen de Normalisation (CEN), the European Committee for Standardisation. The EN tests most relevant to this phase of the Inquiry are:

- BS EN ISO 1182 - a combustibility test conducted in a furnace;

- BS EN ISO 1716 - a test conducted in a bomb calorimeter to determine the gross heat of combustion of a material;
- BS EN 13823 – the Single Burning Item test which determines the reaction to fire of a material when exposed to thermal attack by a single burning item;
- BS EN ISO 11925-2 - Single Flame Source Test, which tests the ignitability of a material by direct small flame impingement, the extent of vertical fire spread and the creation of burning droplets. EN tests classify materials on a scale from 'A1' (the highest performance) to 'F' (an 'unclassified' standard). Materials classed A1 are regarded as non-combustible for the purposes of ADB. Materials classed A2 are regarded as materials of limited combustibility.

Fire Risk Assessment (referred to as FRA). A fire risk assessment is a systematic and structured assessment of the fire risk in a premises for the purpose of expressing the current level of fire risk, determining the adequacy of existing precautions and determining the need for additional fire precautions and their nature.

Generic Risk Assessment 3.2 (referred to as GRA 3.2). This is guidance for fire and rescue services on fighting fires in high-rise residential buildings published by the (then) Department for Communities and Local Government and the Chief Fire and Rescue Adviser in February 2014. The guidance was intended to help fire and rescue services identify the significant hazards and risks likely to be encountered when fighting fires in high-rise buildings.

Lakanal House fire and inquest. Lakanal House, Havil Street, Camberwell, London SE5 is a high-rise residential block containing 98 flats and maisonettes spread over 14 floors. On 3 July 2009 a fire broke out in a maisonette on floor 9 and spread rapidly beyond the compartment of origin. Six people died in the fire, three of whom were children.

Following an investigation by the MPS and the Health and Safety Executive (with the involvement of the LFB), the Crown Prosecution Service decided in May 2012 that no prosecutions should follow. Thereafter dates were set for the inquests, which were heard by

Assistant Deputy Coroner, Her Honour Frances Kirkham CBE, between 14 January and 28 March 2013.

On 28 March 2013, at the end of the inquest hearings, the coroner made a number of recommendations under rule 43 of the then Coroners' Rules to a number of public bodies, including the LFB and central government.

Limited combustibility. This is a classification defined in Table A7 of Approved Document B. It includes materials that are either non-combustible or that satisfy the criteria specified in BS 476-11. Materials classed A2 or better under the European testing system are also regarded as materials of limited combustibility.

Linear Route. This is a shorthand expression for the guidance given in paragraphs 12.6 – 12.9 of Approved Document B. It includes a requirement (paragraph 12.7) that in a building with a storey 18 metres or more above ground level any insulation product used in the external wall construction should be of limited combustibility.

Non-combustible. This is a classification defined in Table A6 in Approved Document B. Materials which satisfy certain criteria when tested in accordance with the prescribed method under BS 476-4 or BS 476-11 tests are deemed to be non-combustible. Under European (EN) testing, materials classed A1 are also regarded as non-combustible for the purposes of ADB.

Reaction to fire test. These tests are used to determine the extent to which products and materials contribute to the early stages of a fire (i.e. before it reaches flashover).

Regulatory Reform (Fire Safety) Order 2005 (referred to either as the RRO or the FSO). The RRO is a Statutory Instrument (secondary legislation) that consolidated several different pieces of fire safety legislation. It applies to all non-domestic premises, as well as the communal areas of residential buildings with multiple homes.

Responsible Person (sometimes referred to as RP). The RRO designates the person in control of premises as the Responsible Person for the purposes of fire safety. The Responsible Person has a duty to undertake fire risk assessments, manage the risks posed by fire and remove or reduce them as far as possible. The RRO is enforced by Fire and Rescue Authorities. In the case of Grenfell Tower it was enforced by the London Fire Brigade.

Rule 43 report/letter. Rule 43 of the (then) Coroners Rules 1984, as amended by the Coroners (Amendment) Rules 2008, provided that where the evidence at an inquest gave rise to a concern that circumstances creating a risk of other deaths would occur or would continue to exist in the future, and, in the Coroner's opinion, action should be taken to prevent the occurrence or continuation of such circumstances, or to eliminate or reduce the risk of death created by such circumstances, the Coroner could report the circumstances to a person who had power to take such action.

Since the enactment of the Coroners and Justice Act 2009, Rule 43 reports have been replaced by reports under regulation 28 of the Coroners (Investigations) Regulations 2013.

Statutory guidance. This is guidance issued under statutory powers. Approved Document B is approved by the Secretary of State under Section 6 of the Building Act 1984 for the purpose of providing practical guidance on compliance with the requirements of the building regulations.