

## Grenfell and more

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# SPEAKER

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# Grenfell Tower Inquiry

**The Grenfell Tower Inquiry is an independent public inquiry, set up to examine the circumstances leading up to and surrounding the fire at Grenfell Tower on 14 June 2017**

The **Hackitt review** has shown that in too many cases people who should be accountable for fire safety have failed in their duties. In future, the government will ensure that those responsible for a building must demonstrate they have taken decisive action to reduce building safety risks and will be held to account. 17 May 2018

**[Statement on the Hackitt Review - GOV.UK](#)**

<https://www.gov.uk/government/speeches/statement-on-the-hackitt-review>

# Grenfell Tower Inquiry

The Grenfell Tower Inquiry will examine the circumstances leading up to and surrounding the fire at Grenfell Tower on 14 June 2017. It will establish the facts and will make recommendations as to the action needed to prevent a similar tragedy happening again.

The Inquiry is independent. It will be for the Chairman, Sir Martin Moore-Bick, to decide what documents should be produced and who should give evidence.

After the Inquiry has heard all of the relevant evidence, the Chairman will prepare a report for the Prime Minister. The Prime Minister has undertaken to publish the report in full and send it to Parliament.

# Grenfell Tower Inquiry

## What is the format of the inquiry?

- The Grenfell Tower Inquiry has been established under the [Inquiries Act 2005](#).
- Other inquiries established under the 2005 Act include the Litvinenko and Baha Mousa Public Inquiries in England, the E Coli Inquiry in Wales and the ICL Inquiry held jointly between Scotland and England.

# Grenfell Tower Inquiry

## Such inquiries are

- inquisitorial in nature and,
- subject to the legislative provisions,
- their procedure and conduct are matters for the Chairman to decide.
- As such, no two inquiries are the same.
- The Inquiry is charged with carrying out an investigation within its **terms of reference.**

# Terms of Reference

The Inquiry's Terms of Reference are:

1. To examine the circumstances surrounding the fire at Grenfell Tower on 14 June 2017, including:
  - (a) the immediate cause or causes of the fire and the means by which it spread to the whole of the building;
  - (b) the design and construction of the building and the decisions relating to its modification, refurbishment and management;
  - (c) the scope and adequacy of building regulations, fire regulations and other legislation, guidance and industry practice relating to the design, construction, equipping and management of high-rise residential buildings;

# Terms of Reference

(d) whether such regulations, legislation, guidance and industry practice were complied with in the case of Grenfell Tower and the fire safety measures adopted in relation to it;

(e) the arrangements made by the local authority or other responsible bodies for receiving and acting upon information either obtained from local residents or available from other sources (including information derived from fires in other buildings) relating to the risk of fire at Grenfell Tower, and the action taken in response to such information;



(f) the fire prevention and fire safety measures in place at Grenfell Tower on 14 June 2017;

(g) the response of the London Fire Brigade to the fire; and

(h) the response of central and local government in the days immediately following the fire;

and

2. To report its findings to the Prime Minister as soon as possible and to make recommendations.

## **What powers does the Inquiry have?**

- Under the [Inquiries Act 2005](#) the Chairman has a wide range of powers, including the power to compel the production of documents and to summon witnesses to give evidence on oath.

## **Will records of hearings be available for the public?**

- On each day of hearings, the transcript and evidence considered will be published on the Inquiry's website unless any contrary order. Directions, submissions and rulings will also be made available as appropriate.

## **How much will the Inquiry cost and who is paying?**

- The inquiry is funded through the Cabinet Office. The inquiry will publish details of its expenditure on a regular basis on the website.

# Inquiry Phases

## Phase one schedule

- **Phase 1** is focussing on the factual narrative of the events of the night of 14 June 2017. This includes:
- the existing fire safety and prevention measures at Grenfell Tower;
- where and how the fire started;
- the development of the fire and smoke;
- how the fire and smoke spread from its original seat to other parts of the building;
- the chain of events before the decision was made that there was no further savable life in the building; and
- the evacuation of residents.

# Inquiry Phases

## Phase 2

- 1) Grenfell Tower's original design, construction, composition (completed 1974)
- 2) Subsequent modifications prior to the most recent
- 3) Modifications to the interior of the building 2012-2016
- 4) Modifications to the exterior of the building 2012-2016
- 5) The fire and safety measures within the building at the time of the fire
- 6) Inspections

# Inquiry Phases

## Phase 2

7) Governance/Management

8) Communications with residents

9) Fire advice to residents 2012 to 14 June 2017

10) Response to Recommendations

11) The fire

12) The response of the emergency services

13) The aftermath

# Inquiry Phases

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## Guardian this week

[fire at the Neo 200 building](#) in the Melbourne CBD this week has eerie similarities to the [Grenfell Tower disaster](#). Fortunately, instead of 72 people dead, as at Grenfell, only one person was hospitalised for smoke inhalation.

Rydon, the main contractor for the Grenfell Tower cladding, [said](#) the work “... met all required building regulations – as well as fire regulation and Health & Safety standards – and handover took place when the completion notice was issued by Royal Borough of Kensington and Chelsea building control”.

“Neo 200 achieved certification and approval from the building certifier and relevant authorities at the time. We welcome the opportunity to support any investigation into the incident by authorities.”

# Radio 4 Today Programme this week

Sprinklers compulsory in Wales (Scotland)

Not compulsory in England



# Regulatory Reform (fire safety) Order 2005 – what do you have to do? Examples

- Section 8(1):
  - Take such general fire precautions (as far as is reasonably practicable) to ensure the safety of any employees and that the premises is safe;
- Section 9:
  - Make a suitable and sufficient risk assessment with particular focuses on:
    - Dangerous substances;
    - Employment of young persons;
    - Regular review and updating
- Section 10:
  - Any measures must comply with “Principles of Prevention”

# Grenfell - Dame Judith Hackett's post Grenfell 'interim' report

- Problem – “not fit for purpose”
- Solution - “a very clear model of risk ownership, with clear responsibilities for the client, designer, contractor and owner to demonstrate the delivery and maintenance of safe buildings”
- BIM mentioned a lot in the report

## Dame Hackitt's Report – **Forgive me Laura!**

- Review of fire and building Regulations in light of the Grenfell Tower tragedy on 14 June 2017.
- Interim Report – Dec 2018- criticisms
- Final Report- May 2018
- Sets out principles for a new regulatory framework
- 50 recommendations made to government
- Applies to Multi Occupancy, higher risk residential buildings over 10 stories (**HRRBs**) **In the first instance!**
- Recommends application to broader range of buildings

## New Approach- overview of themes

- Report is based around principles for a new framework which will drive culture change and new behaviours
- Recommends a clear model of risk ownership- clear responsibilities for Client, Designer, Contractor and Owner
- Duty holders to be overseen and held to account by a regulatory authority
- ‘Real Teeth’- criminal consequences
- Outcomes based- not prescriptive rules and complex guidance

## New Approach- overview of themes

- Comparison with CDM 2015 which has delivered cultural and behavioural change in the same sector
- This will require legislative change and will therefore need time to implement
  - No need to wait for legislative change to start behavioural change
  - Sense of urgency and commitment is needed
- Must be applied to existing complex high rise residential buildings
- Points out a moral obligation to change and the need for collaboration and partnership

## Key Parameters of new framework

- The following will be established:
- **A new regulatory framework**
  - Based in the first instance on multi-occupancy, higher risk residential buildings, 10 stories or more in height.
- **A new Joint Competent Authority comprising:**
  - LA Building Standards
  - Fire and Rescue Authorities
  - HSE
- A mandatory **incident reporting** mechanism for duty holders

# Applicability

- New and existing high rise residential properties 10+ storeys
- Estimate 2000-3000 in existence
- Some recommendations apply to a wider set of buildings:
  - Other multi occupancy residential buildings (eg less than 10 storeys)
  - Institutional Residential Buildings:
    - Hospitals, care homes, hotels, prisons, halls of residence, boarding schools.

## Design, Construction and Refurb

- Improving focus during these phases by:
- New duty holder roles and responsibilities
  - These will align with CDM 2015
- Robust gateway points to strengthen Regulatory oversight
  - Will require duty holders to demonstrate detailed and robust plans to JCA to gain permission for progressing a project.
- Change control process:
  - More stringent recording
  - Sign off by JCA for more significant changes
- More rigorous enforcement powers



# Construction Phase

## Key information products

- **The digital record (Client, PD, PC)**
  - Record of the building and products used to underpin effective understanding of constructed building throughout lifecycle.  
**GOLDEN THREAD!**
- **The Fire and Emergency File (client, PD, PC)**
  - Sets out key building safety info, to be given to building owner
  - Will be provided to anyone carrying out works- shows fire strategy
- **Full Plans (PD primary resp)**
  - Detailed plans/ Spec of building works re structural safety
  - Must be viewed as sufficient by the JCA
- **Construction Control Plan (PC primary resp)**
  - Describes building safety and compliance through construction

## Model for future enforcement

- Improvement/ Correction Notices
  - Servable 5/6 years after building completed
- Prohibition Notices
  - Could be imposed at gateway points
  - Serious deficiencies with significant impact on safety
- Failure to comply with either would be a criminal offence

# Grenfell - Dame Judith Hackett's post Grenfell report

- Problem – “not fit for purpose”
- Solution - “a very clear model of risk ownership, with clear responsibilities for the client, designer, contractor and owner to demonstrate the delivery and maintenance of safe buildings”

Woa!

- Duty holder to present ‘safety case’ to JCA at regular intervals

# London Fire and Emergency Planning Authority v Atomlynn and Douglas and Gordon

- Atomlynn – Head leaseholder of 28 flats
- D&G – Managing Agents
- November 2006 – Fire risk assessments provided by external consultant. Not implemented by the companies. Failure to make an emergency plan, lack of fire doors and emergency lighting.
- June 2008 – Fire breaks out – no injuries, and fire unrelated to the risk assessments
- June 2010 – Summoned to Court. Both companies enter a guilty plea

# London Fire and Emergency Planning Authority v Atomlynn and Douglas and Gordon

- A rock and a hard place:
  - 5 separate risk assessments commissioned by D&G – all said different things;
  - Different advice and priorities from LFEPA and Westminster City Council (who were enforcing the Housing Act 2004)
  - Negotiations ongoing between the various regulators and companies; but
  - When negotiations broke down, LFEPA proceeded with the prosecution.

# London Fire and Emergency Planning Authority v Atomlynn and Douglas and Gordon

- D&G: Fined £100k + £13k in costs
  - £60k for failure to implement the risk assessment
  - £20k solely for the lack of a fire alarm
  - £20k for failing to ensure an electrical cupboard was locked
- Autolynn: Fined £33k + £6.5k in costs
- Both fines followed guilty pleas, so presumably received a 1/3 discount.

# HSE v Warwick Estates Property Management Limited

- Property management company fined after a resident died after falling down a lift shaft.
- Craig Jones and a friend trapped in a lift and unable to raise the alarm. Forced the doors open slipped under the lift car and fell five stories, died of multiple injuries. His friend escaped unhurt.
- Warwick Estates breached Section 3(1) of the Health and Safety at Work Act, fined £120,000 with costs of £45,000.
- “The problems with this lift were well known” to Warwick Estates

# CDM – route map

- Clients Duties
- Principal Contractor Duties
- Principal Designer Duties
- Designer Duties
- Contractor Duties
- Workers duties



# BIM and CDM

- Building Information Modelling (BIM) - 3 dimensional modelling – cradle to grave, design prepare, build, maintain, refurbish, demolish.
- 2016 government procurement programme
- BIM an opportunity for all (including accident investigation inspectors!)

# BIM and Hackitt

- Transparency in design
- Digital life cycle modelling
- 2011 Government Construction Strategy
- Crucial for 'building-in safety up front'
- Terminal 5, Cheesegrater, MoJ prisons, Cross rail
- Paperless
- Security issues

# BIM / CDM Regs – Key areas

- Wider applications to just building modelling – whole workplace design
- BIM principles been around for a long time in the refineries and process industries
- Could be the equivalent of the HAZOP
- Model to be the first port of call for accident

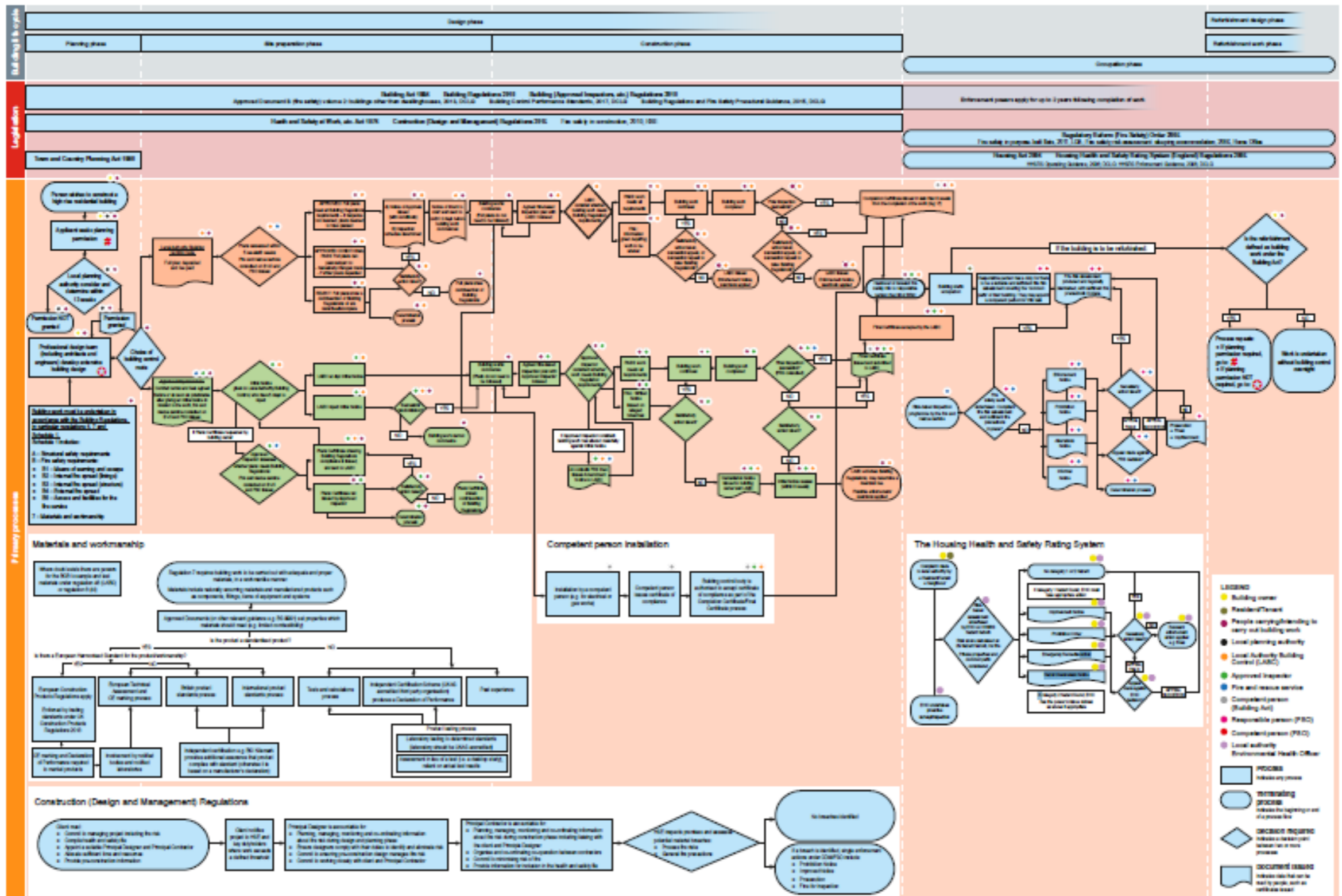
# BIM Issues

- Who owns the model? IP, Confidentiality?
- Only as good as the raw data shared
- Who updates the model?
- New spirit of cooperation/coordination?
- BIM applies outside construction – risk management
- The future looks like this – HSE/Robocop?

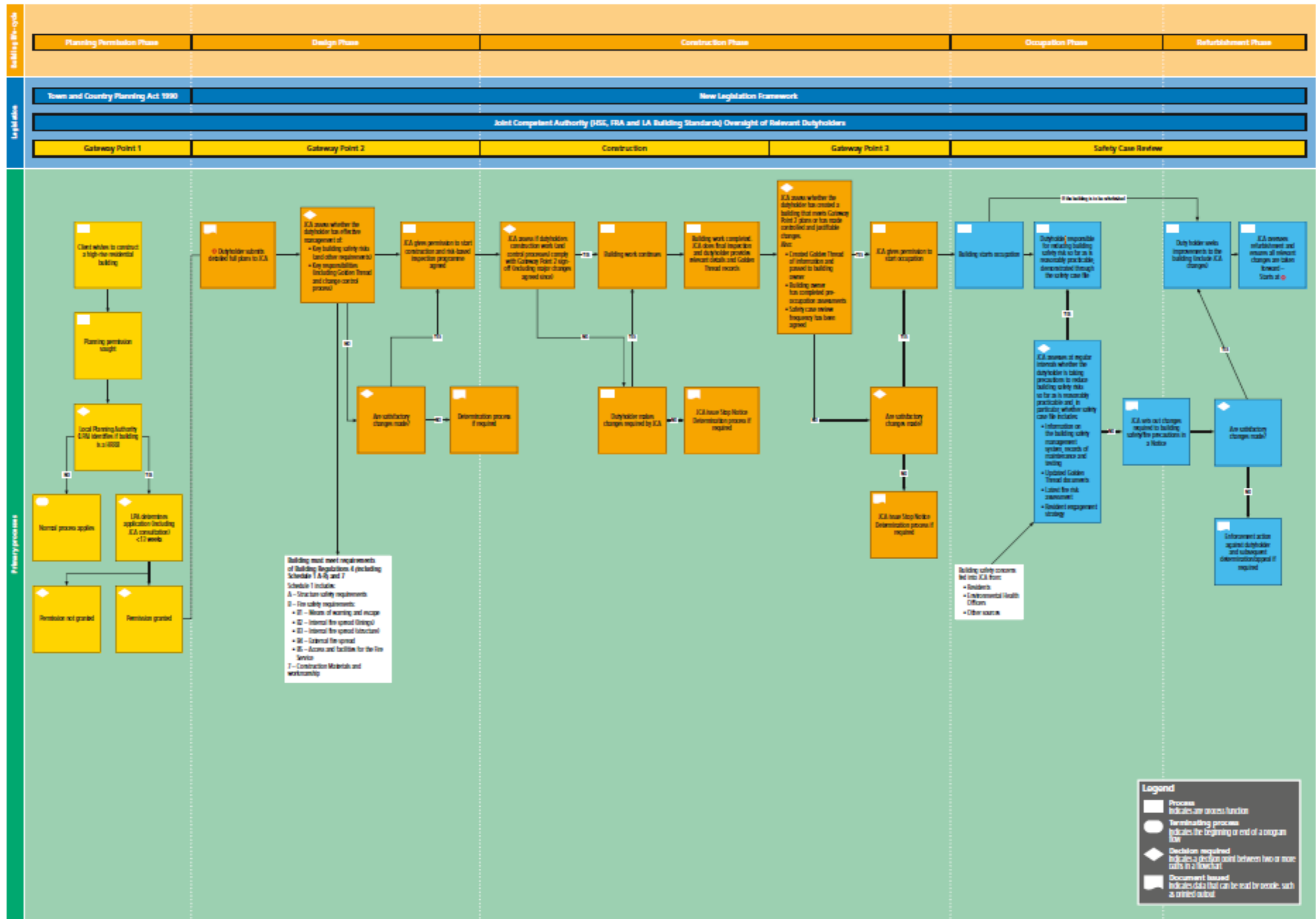
# BIM and CDM

- HSE
- How will they use BIM? How will you use BIM?
- CDM

# Map of the current regulatory system for high-rise residential buildings



# Mapping the new building safety regulatory framework – Construction and occupation of HRRB



Happy Valentines Day!