

Grenfell Tower Inquiry

CHAIRMAN'S RESPONSE

to

SUBMISSIONS made on 11 – 12 DECEMBER 2017

1. At the first hearing for directions held on 11-12 December 2017 I heard submissions from counsel for many of the core participants, in particular the bereaved, survivors and other local residents, from counsel for the Metropolitan Police Service, the Royal Borough of Kensington and Chelsea (“RBKC”), the Tenant Management Organisation (“TMO”) and from counsel for some, but not all, of those who were engaged in the refurbishment of Grenfell Tower that took place between 2012 and 2016. In addition I heard submissions from the London Fire and Emergency Planning Authority (“LFEPA”), the Fire Brigade Union (“FBU”) and the Fire Officers’ Association (“FOA”). I was also addressed by Counsel to the Inquiry, who outlined the steps that have been taken by the Inquiry since it was set up in August 2017 and his proposals for its future conduct. A list of those from whom I received submissions is set out in the Annex to this response.
2. I am greatly indebted to all counsel for the quality of their submissions and the obvious care which they took to avoid repeating submissions made by other parties. Their economical use of the available time resulted in the hearing being completed well within the two days that had been set aside for it. I hope that it will be possible for such co-operation to continue, so that the work of the Inquiry can proceed as quickly and smoothly as the difficult subject matter allows. I am also grateful to those core participants who took the trouble to attend the hearing even though they did not choose to address me through their representatives. I hope they found it useful to hear what others had to say and that were able to absorb the spirit of co-operation in which the hearing was conducted.

3. Since many different parties are interested in broadly the same questions which underlay the submissions made to me, it is convenient to respond to them by reference to those issues rather than by reference to the submissions made by individual counsel. My response is therefore made under the headings set out below.

The appointment of additional members to the Inquiry Panel

4. Mr. Mansfield Q.C. on behalf the core participants he represents, and on behalf of others who adopted his submissions, sought to persuade me that I should recommend to the Prime Minister, as the minister sponsoring the Inquiry, that she should appoint additional members to the Inquiry Panel in the interests of diversity. His submissions were supported by a report from Dr. Marie Stewart MBE, in which she expresses the opinion that additional members would enable the panel to reflect the diversity of those who lived in Grenfell Tower, would promote public confidence and lead to better decision making.
5. I am, of course, aware that solicitors for a number of core participants have written to the Prime Minister urging her to appoint additional members to the panel and that a petition has been presented to her calling on her to take that course. Although under section 7 of the Inquiries Act 2005 the Prime Minister must obtain my consent to any such appointment, my role in the matter is limited to responding to a proposal made by her. Any such proposal would presumably identify one or more people whose background and characteristics she considered made them suitable to undertake the role of a decision-maker in relation to matters falling within the Inquiry's Terms of Reference. I am and must remain completely independent of the government and in my view it would be wrong for me to take the initiative by advising the Prime Minister either to appoint additional members to the panel or not to do so. That must be a matter for her own judgment, free of any unsolicited advice from me. If proposals were made to expand the panel, I should, of course, consider them carefully and with an open mind, but unless and until that occurs, I must refrain from comment.
6. For these reasons I refuse the formal application that I should consult the core participants on the identity of potential additional panel members and make recommendations to the Prime Minister for appointments.

Appointment of an expert witness or assessor with experience of tenant management

7. Paragraph (i)(e) of the Terms of Reference includes among the matters which the Inquiry is to investigate “the arrangements made by the local authority or other responsible bodies for receiving and acting upon information . . . obtained from local residents . . . relating to the risk of fire at Grenfell Tower, and the action taken in response to such information”. A number of counsel submitted that I should appoint a person with direct current experience of the management of social housing to assist the Inquiry as an expert witness or assessor.

8. It is clear that many of those who lived in Grenfell Tower and the surrounding area are strongly of the view that in the years preceding the fire the TMO received many complaints about the condition of the building and (among other things) warnings about matters affecting safety, including the risk of fire, to which little heed was paid. Investigation of those complaints and the responses to them will form an important part of the Inquiry’s work and it is necessary to examine carefully whether they were handled by RBKC and the TMO properly and in accordance with good practice. The Inquiry has not as yet instructed an expert to give evidence specifically on how complaints and warnings of that kind ought to be handled, and although two of the assessors who have already been appointed, Ms. Joyce Redfearn and Mr. Joe Montgomery, have extensive experience of the management of local authorities, I am persuaded, after discussing the matter with them, that neither of them has the recent experience of dealing with matters of that kind that is necessary to provide the Inquiry with the help it needs. I shall therefore seek to identify someone who has the necessary standing and expertise in such matters with a view to instructing him or her to provide an expert report and in due course to give evidence to the Inquiry.

The appointment of an environmental health expert

9. A number of counsel, in particular counsel for the Fire Brigades Union (“FBU”) and counsel representing those core participants for whom Russell-Cooke act, submitted that the Inquiry would benefit from hearing from an expert in environmental health. Their submissions appear to have been driven principally by a concern that the letters of instruction to the experts who have currently been asked to assist the Inquiry do not refer

specifically to Part 1 of the Housing Act 2004 or the Housing Health and Safety Rating System (“HHSRS”).

10. I think that concern may in fact be misplaced. The Terms of Reference include among the matters that the Inquiry is to investigate “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”. The scope of that paragraph is therefore very broad and is apt to include any legislation that has a bearing on the fire safety of a building such as Grenfell Tower. Insofar as Part 1 of the Housing Act 2004 or the HHSRS is engaged, or even potentially engaged, therefore, it will form part of the legislative environment which the Inquiry will wish to examine. Mr. Colin Todd has been asked to prepare a report describing the primary and secondary legislation applicable to Grenfell Tower at different times during the period between the completion of its construction in 1974 and its destruction by fire in 2017. I understand that he will take into account in preparing his report the terms of Part 1 of the Housing Act 2004 and the HHSRS, where relevant. I think the best way forward is to await the production of his report and decide in the light of it whether additional expert assistance is needed. If it is, I shall consider at that stage who may be best equipped to provide it.

The appointment of Mr. McGuirk and Ms. Redfearn

11. On 28 November 2017 the FBU made a formal application for a number of directions, including a direction that either or both of Mr. McGuirk and Ms. Redfearn be replaced as expert witness and assessor respectively. The application was made on two grounds: that Mr. McGuirk is too closely associated with those who run the fire service, both centrally and locally, and with the bodies who advise fire services to be able to give impartial advice on important issues, and that Mr. McGuirk and Ms. Redfearn were linked professionally in a way that rendered it inappropriate for both of them to be assisting the Inquiry, albeit in different capacities.

12. Mr. McGuirk has had a distinguished career in the fire and rescue service, having served at different times as Chief Fire Officer for Cheshire, South Yorkshire and Greater Manchester. On the face of it would be difficult to find someone with greater experience of the practical demands of firefighting, the methods that can be employed and the

equipment available for fighting fires in high-rise buildings. Indeed, Mr. Seaward made it clear that he did not question Mr. McGuirk's expertise, seniority or experience, but he did submit that he was not suitable to be an expert witness to this Inquiry because for a period of fifteen years he had been at the forefront of deregulation in the Fire Service and a champion of changes that have led to cuts and closures in opposition to the FBU.

13. Having heard Mr. Seaward's submissions, I was left in no doubt that the FBU's objection to Mr. McGuirk as an expert witness had little to do with his practical experience and much to do with the position he is thought to have adopted in relation to the funding and organisation of the fire service. It is important to remember that Mr. McGuirk has been instructed to deal with a range of practical questions relating to the appropriate method of fighting fires of the kind that engulfed Grenfell Tower. He has not been instructed to deal with questions relating to the funding of the fire service, either in London or nationally. Moreover, it has been made clear to him that his role as an expert witness is to give his candid opinion on the questions on which he has been asked to assist the Inquiry and to do so without seeking to influence one way or the other the decisions that it may ultimately reach. It must also be remembered that the Inquiry is an inquisitorial process. It is for me as the chairman to seek the opinion of anyone whom I think may be able to help me get to the truth and that includes the choice of expert assistance. If in due course the FBU wishes to challenge Mr. McGuirk's opinion it will be open to it to make an application to call its own expert evidence, a matter to which I return below. However, I am confident that Mr. McGuirk is well qualified to provide the assistance which he has been asked to provide and that he is capable of doing so honestly and fairly, observing to the full all the requirements of any witness who is called to give evidence in adversarial proceedings.

14. The complaint that Mr. McGuirk and Ms. Redfearn are too closely linked professionally for them both to assist the Inquiry is in my view without substance. Their roles in the Inquiry are quite different and the areas in which their knowledge and expertise have been sought are also quite different. It would be unusual for senior professionals working in the public service in the same region not to have had some contact with each other and I have seen nothing to suggest that the limited contact between Mr. McGuirk and Ms. Redfearn arising from his leadership of the Manchester Fire and Rescue Service and her role as chief executive of Wigan Metropolitan Borough Council is such as to

lead a well-informed and objective observer to think that they might somehow influence the Inquiry in a way that could legitimately give rise to concern. The fact that they are both Deputy Lieutenants for Greater Manchester is in my view irrelevant.

15. For these reasons I reject the FBU's application to replace either Mr. McGuirk or Ms. Redfearn.

16. Based on its objections the FBU sought permission to instruct its own expert in operational firefighting and for an award of funding to enable it to do so. In my view that application is premature, as Mr. Seaward was inclined to accept. The right course is for the FBU to await the production of Mr. McGuirk's report. If in the light of that report the union has reasonable grounds for thinking that the views he expresses may be open to challenge, it can make an application for funding sufficient to enable it to obtain an preliminary opinion from a person who is willing to act as an expert witness setting out a summary of his or her views. If it appears justified, a further application for funding can be made to cover the cost of obtaining a full report.

The scope of Phase 1 of the Inquiry

17. In my Opening Statement on 14 September 2017 I said that I proposed to conduct the Inquiry in two phases: Phase 1 would concentrate on what happened on the night of 14 June 2017 and would seek to establish where and how the fire occurred, how it spread so rapidly to the whole of the building and how the interior of the building became progressively affected by the development and spread of smoke. I indicated that I intended to publish an interim report at the end of Phase 1 with such recommendations as it was possible to make at that stage.

18. In his statement circulated to core participants on 15 November 2017 Counsel to the Inquiry set out some more specific proposals about the questions which the Inquiry should seek to answer in Phase 1. The purpose of doing so was to invite comments and suggestions from core participants with a view to establishing in due course a programme and timetable for the future conduct of the Inquiry. At the recent hearing I heard many submissions about the desirability of conducting the Inquiry in two phases. Some counsel submitted that a division of the kind indicated would be artificial and unsatisfactory; others were broadly content with the suggestion, but wanted to ensure

that certain particular questions were addressed in Phase 1. For example, the FBU and the LFEPA both expressed a strongly held view that it would be unsatisfactory and potentially misleading not to allow firefighters to refer to the policies which had guided their decision-making on the night in question. Others submitted that it was essential that the “stay put” policy be considered at Phase 1.

19. There are strong grounds for examining the cause and development of the fire and smoke as a first step, because until it has been possible to identify with reasonable certainty *what* happened it is difficult to direct attention to the question *why* it happened and to identify any errors or systemic failings that lay behind the tragedy. If the analysis of the origin and physical progress of the fire reveals any obvious defects in the building, it is important that appropriate recommendations be made as soon as possible for the benefit of others who live elsewhere in buildings of a similar kind. I propose, therefore, to adhere to my original proposal to begin by identifying the origin, cause and physical development of the fire. I accept, however, that it would be unwise to draw a hard and fast line between Phase 1 and Phase 2, particularly in relation to evidence that may be relevant to a number of different questions. For example, it would not be sensible (and has never been my intention) to prevent firefighters from referring to the LFB policies to explain their actions on the night in question. Mr. Friedman Q.C. pointed out that it would be open to the Inquiry to publish interim reports as and when it discovered something of importance and considered that it was in the public interest to do so. Having listened to the arguments, I have come to the conclusion that, for the time being at least, it would be sensible to retain a significant degree of flexibility in relation to the scope of the different phases and that in due course it may be sensible to allow Phase 1 to flow seamlessly into Phase 2 with a minimum of interruption. In any event, I think it would be sensible to consider in the context of Phase 1 some, if not all, aspects of issues 3(a), 9(a), (b) and (h) and 12(c) in the List of Issues insofar as they are relevant to the spread of the fire throughout the building. In response to a request from the FBU I am happy to confirm that I expect as part of Phase 1 to examine information contained in messages passing from firefighters and others inside the building to control, the training and equipment provided to the firefighters, (including incident and sector commanders), the information available to firefighters from Call Sheets, Mobile Data Terminals and other sources such as messages passing between control and the fireground.

Disclosure

20. Since the Inquiry was set up in mid-August, a very substantial number of documents have been sought and received from numerous document providers, some 33 in all to date. They have been logged onto the Inquiry's electronic documents platform in order to be reviewed. A well-qualified document review team has been conducting a first sift at a current rate of some 12,000 documents a week. That is expected to increase to 20,000 a week in January. Further documents are being obtained from various sources, including the police, and new sources of documents continue to be identified. In all it is estimated that the Inquiry will eventually have received over 270,000 documents.

(a) Monitoring

21. Mr. Friedman and Mr. Weatherby Q.C. submitted that in order to build confidence in its work the Inquiry should disclose to the core participants all the documents it had received from the various document providers to enable them to satisfy themselves that the work of gathering relevant documents and identifying missing documents of potential relevance was being carried out properly. Similar sentiments were voiced by Mr. Catchpole Q.C. on behalf of Rydon and other core participants in a similar position.

22. I fully accept that there is a need to reassure many of the core participants that the Inquiry team is doing its job properly and to enable core participants of all kinds to follow the disclosure process and point out any possible shortcomings. However, it would not be sensible, nor indeed is it possible, for the Inquiry simply to disclose to all core participants the entirety of the documents it receives in their raw form without any kind of prior review. There are many reasons for that. First, despite the efforts of the document providers to avoid doing so, it has become clear that some have disclosed a substantial amount of obviously irrelevant and duplicative material. It is also clear that some potentially privileged material has slipped through the net. Secondly, the raw material cannot fairly be disclosed without giving the document providers an opportunity to seek redactions in accordance with the procedure set out in the relevant protocols. To do otherwise would negate the detailed procedures in those protocols which enable them to apply for the redaction of sensitive content before documents are disclosed to the core participants.

23. Thirdly, and in any event, some of the material that has been and will in the future be obtained by the Inquiry comes from the police. The disclosure of that material is governed by the terms of the Memorandum of Understanding between the Inquiry and the Metropolitan Police Service which has been posted on the Inquiry website. It cannot therefore be disclosed to core participants without the consent of the police, unless I resort to my powers of compulsion, which is something I should prefer to avoid. To exercise those powers for this purpose would be likely to undermine the relationship between the Inquiry and the police and would not be conducive to the efficiency of its work.
24. Fourthly, and not insignificantly, the scale of the exercise of performing a first level sift of the documents provided to the Inquiry is very substantial. It requires a very large team of highly experienced staff and represents many months of work even for the Inquiry team. For the core participants to shadow that work and in effect duplicate the work being done by the Inquiry would be very expensive and cannot be justified. The bereaved, survivors and other local residents would require funding to enable the work to be carried out on their behalf. The burden on public funds would be substantial and disproportionate to any benefits likely to arise from it and it would be likely to delay the work of the Inquiry. If the core participants need reassurance about the quality of the work being done by the Inquiry team, I am willing to consider some other means of providing it and offer some suggestions below. For all these reasons I am of the view that the Inquiry should remain in charge of the process of disclosure and should make documents available to the core participants only when it is satisfied that they have been reduced to a body of documents that can sensibly be disclosed, whether that is after a first sift or subsequent sifts.
25. Having said all that, I accept in principle that core participants should be given some insight into the Inquiry's working methods so that they can be reassured that proper and robust lines of inquiry are being followed, but the Inquiry must remain master of its own process and therefore the extent of any monitoring by core participants must be balanced and proportionate. To allow the core participants to monitor the correspondence with each document provider, suggesting detailed changes, would be a recipe for delay. It would also impose a disproportionate burden on the Inquiry team, the cost of which would have to be borne by the public. It is likely that the Inquiry will start disclosing

documents relating to Phase 1 before very long and I have noted the importance attached to obtaining and disclosing housing files. Once documents begin to be disclosed the core participants will be able to see for themselves how robust and wide-ranging the process has been. If at that stage they are able to identify further document providers or categories of documents that the Inquiry team appears to have overlooked, I would encourage them to inform the Inquiry team immediately.

26. In the meantime, I hope that the following suggestion may go some way towards satisfying those of the core participants who are particularly concerned about disclosure. I shall ask the Inquiry team to provide regular bulletins to core participants describing the progress of document collection and sifting. It will be for the team to decide exactly what information should be contained in the bulletins and how frequently they should be provided, but they can be expected to contain broad descriptions of the categories of documents sought and from whom, as well as a progress report summarising the stages which the relevance reviews have reached and any other details which the Inquiry team considers would assist in understanding how the process is working.

(b) Safeguards

27. Counsel for some of the core participants submitted that those document providers who are organisations should be required to sign a disclosure statement not only attesting to the completeness of the exercise, but also expressly recognising their duty of candour. I am not at the moment persuaded that that is necessary or desirable. First, although certain document providers, such as government departments, do owe a duty of candour in the context of judicial review proceedings, the general principles of which also apply in analogous contexts (which can include public inquiries, as recognised in the Treasury Solicitor's Guidance published in January 2010), many document providers are not public bodies but private companies or individuals and I would need to be persuaded that it was appropriate to impose a similar duty of candour on them.

28. Secondly, all document providers are aware that I have powers of compulsion under section 21 of the Inquiries Act 2005, which I shall not hesitate to use, should it prove necessary to do so. They are also aware that deliberate tampering with documents or intentional destruction, suppression or concealment of any relevant document is a criminal offence under section 35 of the Act. For the present, the availability of my

powers and the seriousness of these sanctions ought to be enough to ensure the fullest compliance. I am not persuaded that requiring those responsible for disclosing documents to produce such a statement would significantly reduce the risk of accidental omission or oversight. All document providers should assume that I will expect them to comply with their obligations as fully as if they had been required to provide such a statement.

(c) Timing and tranches

29. Counsel for several core participants emphasised that early disclosure, even on a partial and continuing basis, would go a long way towards making their clients feel that they really are being placed at the heart of the Inquiry. I see much force in that submission. I am acutely aware that as yet core participants have seen no documents at all and do not know how the work is progressing. I accept that core participants in general, but particularly the survivors, residents and bereaved families, should not have to wait longer than necessary to begin receiving documents and I shall give thought to how disclosure can best be made in sensible tranches, where that is possible. It should be possible to ensure that when the Inquiry team is satisfied that certain groups or categories of documents are ready to be disclosed, that can be done, subject to receipt of standard confidentiality undertakings. As I have said, it is likely that the Inquiry will start disclosing documents relating to Phase 1 before very long.

Witnesses

30. Mr. Friedman and some of the counsel who followed him made it clear that they wished to be allowed to question witnesses on behalf of their clients. I understand that the bereaved, survivors and local residents wish to play an active role in the Inquiry, but we must all bear in mind that this is a public inquiry, not an inquest, and must be conducted within the framework of the rules set out in the Inquiry Rules 2006. The starting point set out in rule 10(1) is that only Counsel to the Inquiry and the inquiry panel itself may ask questions of the witnesses. The recognised legal representative of a core participant may seek permission under rule 10(4) to ask questions of a witness who has been called to give oral evidence, but the rules do not envisage that permission will be given as a matter of course. Whether to give permission in any given case is a matter within my discretion and it would be quite wrong for me at this stage to say anything that might be understood as fettering the exercise of that discretion. All I can properly do, therefore, is to say that I

shall approach with an open mind any applications that may be made under rule 10(4) and reach a decision on each one in the light of all the circumstances prevailing at the time. When making such applications I hope that counsel will bear in mind the requirements of rule 10(5).

31. Mr. Friedman also raised other issues relating to the taking of evidence, particularly from those who were directly involved in the fire, many of whom are still suffering from the effects of their experience. I hope it has already been made clear that the Inquiry is determined to enable all those who wish to give their accounts, whether initially in writing or, if asked by the Inquiry to do so, in person at one of the hearings, to do that in whatever way is best suited to their individual needs. That is something that can best be determined by discussion between legal representatives and members of the Inquiry team. Care will also be taken to ensure that vulnerable witnesses who are not core participants are afforded the same assistance. I recognise that the experience of giving evidence, however carefully managed, can itself be a traumatic experience for someone who has undergone an experience of the kind the Inquiry is concerned with. I shall therefore consider what can be done to minimise the stress that giving evidence may in many cases involve. Again, that is a subject that might usefully be pursued in discussions between legal representatives and members of the Inquiry team, as may the requirement for translation facilities and other support measures. The Inquiry will take responsibility for providing translation services for those who are called to oral evidence, where required, and I have asked my team to investigate the best method of providing simultaneous translation facilities for those attending the hearings at which evidence is taken.

32. The important point to make in all this is that I am committed to ensuring that witnesses and those who wish to attend the Inquiry's hearings are provided with the support they need in order to do so.

33. Mr. Seaward raised a question, supported by Mr. Browne for the FOA, about the manner in which statements are being taken from the firefighters. The importance to the police investigation of taking statements from those directly involved in the fire has led the Inquiry to agree that the survivors, local residents and firefighters should all be interviewed by the police in the first instance. In order to avoid compromising their

investigation a Memorandum of Understanding has been put in place between the Inquiry and the police (which can be found on the Inquiry's website) under which each of the survivors and local residents will be given access to their police statements under carefully controlled conditions to enable them to refresh their memories when making statements that will form part of the evidence before the Inquiry. No similar arrangements have been agreed in relation to the firefighters, however, because it was assumed that they would not wish to make any additional statements. Mr. Seaward accepted that in most instances that would probably be the case, but he submitted that firefighters ought to have an opportunity to provide fuller statements if they thought it important to do so and should have a similar opportunity to refresh their memories by reference to their earlier statements.

34. For reasons I have already touched on this raises difficult questions concerning the relationship between the police investigation and the work of the Inquiry. There is understandable concern on the part of the police that nothing should be done that might undermine any future prosecution. Taking and maintaining control over witness statements is something to which the police attach great importance. None of the firefighters will be interviewed by anyone on behalf of the Inquiry, other than the police. In those circumstances any firefighters who wish to make supplementary statements should contact the police, who will no doubt be willing to arrange further interviews.

Expert witnesses

35. In preparation for the hearing for directions the Inquiry circulated a provisional programme containing the outline of a timetable for the preparatory steps that have to be taken before hearings to take evidence can begin. The programme did not set out dates, but it did identify certain steps and indicate the time that might be allowed for taking them. Among them were the production of reports by the experts instructed by the Inquiry and a period of 14 days allowed for core participants to respond to them.
36. Although many of the companies and other bodies involved in the refurbishment of Grenfell Tower have already instructed experts to assist them, most core participants accepted in the course of the hearing that it would be sensible for them to receive and study copies of the reports produced by the Inquiry's experts before deciding whether they wished to apply to call expert evidence on their own behalf. Since it is the function

of the Inquiry pursuing an inquisitorial procedure to carry out whatever investigations it considers necessary in order to fulfil its Terms of Reference, that is obviously so. However, two points were raised in relation to expert evidence to which it is necessary to respond. The first concerns the time allowed for considering and responding to reports produced by the Inquiry's experts. Several counsel for core participants submitted that two weeks was not long enough for that purpose. I accept that and I therefore agree that when in due course a timetable is established leading to the hearings at which evidence will be taken, more time must be allowed for that purpose.

37. The next matter concerns the wish of the bereaved, survivors and local residents to obtain a greater insight into the work of the Inquiry's experts and to reassure themselves both that they are addressing the all issues within their individual fields of expertise which properly call for investigation and that their conclusions are sound. Several counsel submitted that the Inquiry should make funds available to their clients and others in the same position to enable them to instruct experts of their own choosing to advise them.

38. I am well aware that at present many of the bereaved, survivors and local residents do not have confidence in the work being done by the Inquiry and I understand that they wish to monitor what is being done and to satisfy themselves that the advice the Inquiry is receiving is sound. Copies of the instructions given to the Inquiry's experts have in fact already been made available to all core participants and biographical summaries of the experts will be provided soon. However, as I have already said, it is the function of the Inquiry to carry out the investigations into all aspects of the matters falling within its Terms of Reference and it is for that reason that the Minister's Determination, which governs the provision of public funding to those taking part in the Inquiry, provides that an award shall not be made in respect of investigative work undertaken by an applicant's recognised legal representative or in relation to obtaining an expert's report unless the Chairman has given his express written permission in advance for such work to be undertaken (paragraph 2.8). Having regard to that, I cannot simply make an award to the bereaved, survivors and local residents to enable them to duplicate the work of the Inquiry. In those circumstances I think it best to begin by making a first round of experts' reports available to all core participants as soon as reasonably practicable, together with an invitation to identify any respects in which it is thought that further advice is required.

If the bereaved, survivors and local residents think that they need to take advice from someone in order to respond to that invitation, they can apply for an award to enable them to do so. If a reputable expert is prepared to confirm in writing that he or she differs from one of the Inquiry' experts in a significant respect, a further application can be made for an award to cover the cost of obtaining a report from that person. Taking the matter in stages should ensure that in appropriate cases core participants can have access to public funding to pursue any material disagreements between experts, should they arise.

39. Mr. Seaward for the FBU raised a number of additional points in relation to expert evidence. He submitted that the expert witnesses should be asked to confirm whether they had any potential conflicts of interest. That is a matter which has already been raised with them. I am satisfied that no conflicts of interest exist and a formal declaration to that effect will appear in each of their reports. Other clarifications of the letters of instructions sought by the FBU can more conveniently be answered in correspondence.

Position Statements

40. Mr. Weatherby, supported by Mr. Stein Q.C. and other counsel, submitted that it would be useful for all concerned if the Inquiry were to seek from governmental and non-governmental organisations statements of their positions about what happened and what failures, if any, they acknowledge as falling within the scope of their responsibility. I invited comments on that suggestion from counsel who appeared for some of those organisations. They all professed a willingness to provide position statements, but it became apparent that they were not thinking about position statements of the kind envisaged by Mr. Weatherby.
41. I think it would be helpful to everyone involved in the Inquiry to obtain as soon as reasonably possible a better overall understanding of the role played by each of the core participants who were involved in the management and refurbishment of Grenfell Tower. That could be achieved in a variety of ways, one of which is by the service of position statements broadly of the kind which I understand were suggested by Mr. Weatherby. Such statements would involve RBKC and the TMO and each of the commercial core participants describing its role in the management and refurbishment of the building and identifying those with whom it entered into contractual or similar relationships and for

what purposes. In the case of government departments it would involve identifying their areas of its responsibility, in particular in relation to the legislation and guidance bearing on the maintenance of the tower and the work comprised in the refurbishment. Mr. Catchpole submitted that anyone who may be subject to criticism should receive proper warning and be given a fair chance to respond. I entirely agree, but that is looking a long way ahead. I do not think it would be unfair at this stage to ask commercial and governmental bodies to describe in general terms the part they played in the maintenance and refurbishment of Grenfell Tower in the five years immediately preceding the fire; nor do I think that disclosure of documents provided by others should be necessary in order to enable them to do so. I shall therefore ask the Solicitor to the Inquiry to write to those concerned within the next few days explaining more precisely what I have in mind.

Venue and sitting days

42. A number of counsel submitted that future hearings, or at any rate those at which evidence is taken, should be held at a location in or near North Kensington. I understand why that is thought to be desirable, but there are a number of practical constraints. It is essential to ensure the efficient working of the Inquiry that those who make up the Inquiry team should all be housed in the same place, preferably in, or very close to, the building in which the hearings take place. Moreover, wherever the hearings are held, it will be necessary to provide facilities for the use of those attending them. Some time ago the Inquiry team investigated potential venues in Kensington & Chelsea but were unable to find any premises of suitable size and layout that were available for the necessary length of time. A further search will be made, but it would not be sensible to move the Inquiry from its present premises to a place at which it cannot work efficiently. However, I have asked my team to look into the possibility of providing assistance with the cost of travel, child care and refreshments if the venue for future hearings remains in central London.

43. All those who addressed the question of sitting arrangements spoke in favour of a four-day sitting week, which I agree is sensible. It may be necessary on odd occasions to sit for the whole or part of a fifth day, but that should be the exception rather than the rule. I do not propose to make any decision on sitting hours at this stage. That is something which can be approached flexibly and is better left for discussion until nearer the time.

Consultative Panel

44. I raised first with Mr. Mansfield the question whether a consultative panel composed of local people might go some way towards promoting a sense of engagement with the Inquiry and confidence in its work. I did so, because it was a suggestion that had already been discussed within the Inquiry team and because I wanted to give counsel for other core participants an opportunity to comment on it.
45. Although Mr. Mansfield was at pains to emphasise that his clients did not regard the establishment of such a panel as a satisfactory alternative to the appointment of additional members to the Inquiry panel itself, he accepted that it could be helpful, as did other counsel, in particular Mr. Stein. None of the others who addressed me appeared to doubt that or oppose the suggestion in principle. In those circumstances I shall ask the Inquiry team to give further consideration to establishing a panel of that kind, but not before there has been consultation with local residents and others to find out whether it is something that they themselves would find useful. It will also be necessary to discuss matters, such as its remit, composition and structure. Mr. Stein also drew attention to the contribution to an inquiry's work that can be made by regular seminars. That is something I shall bear in mind, particularly when the stage has been reached at which I am considering recommendations.

Assisting the coroner

46. The Westminster coroner, Dr. Fiona Wilcox, has opened inquests on each of those who died in the fire, but has suspended her investigations under paragraph 5 of Schedule 1 to the Coroners and Justice Act 2009 pending the publication of the Inquiry's final report and has adjourned the inquests. Dr Wilcox will have to decide whether, at the conclusion of the Inquiry, there is a need to recommence her investigations and re-open the adjourned inquests. If the findings made by the Inquiry are sufficient for her purposes, there will be no need for her to hear further evidence from the families of the deceased. Ultimately, however, that will be a matter for her.
47. Mr. Friedman and others submitted that it would do a great disservice to the bereaved if by the time of its conclusion the Inquiry were not to have made sufficiently detailed findings about those who died in the fire and the circumstances in which they met their

deaths to enable the coroner to complete the inquests without the need to hear evidence from the bereaved relatives and without requiring them to rake over painful memories for a second time.

48. I think there is much force in that submission and I hope that it will be possible for the Inquiry to achieve that outcome, but it is necessary to sound two notes of caution. The first is that an Inquiry can work only within its terms of reference. I say that not because as things stand I think that my current Terms of Reference are too narrow to enable me to make the findings the coroner needs, but simply to caution against making an easy assumption to that effect. That is something on which I may need to hear further submissions in due course. The second is to remind people that this is a public inquiry being conducted under the Inquiries Act 2005, not an inquest conducted under the Coroners and Justice Act 2009. The procedure will therefore be that of a public inquiry rather than that of an inquest.

Future proceedings

49. I am grateful to all counsel for the measured and helpful way in which they made their submissions and for the high degree of co-operation between them which enabled the hearing to be completed well within the time allowed. In the light of those submissions I have the impression that many minor procedural questions should be capable of being resolved by discussion between legal representatives and members of the Inquiry team, whether solicitors or counsel, and I would encourage contact of that kind.

50. I am making arrangements for a further hearing for directions to be held on 30-31 January 2018, at which I hope it will be possible to establish a timetable for the steps needed to enable me to start hearing from witnesses in the period after Easter. I shall ask Counsel to the Inquiry to circulate proposals well in advance of that hearing, the intention being to put together a suitable timetable largely, if not entirely, by agreement. To the extent that a timetable can be established through discussions in advance of the hearing, everyone's task will be made that much easier.

ANNEX

At the hearing for directions held on 11-12 December 2017 the Chairman received written and oral submissions from the following in addition to Richard Millett Q.C., Counsel to the Inquiry:

| Counsel | Solicitors | Core Participant |
|--------------------------|--|---|
| Jeremy Johnson Q.C. | MPS Legal Directorate | Metropolitan Police Service |
| Danny Friedman Q.C. | Bhatt Murphy; Bindmans; Hickman & Rose; Hodge, Jones & Allen; Thanvi Natas | Bereaved, survivors and local residents |
| Michael Mansfield Q.C. | Birnberg Peirce; Saunders Law | Bereaved, survivors and local residents; |
| Pete Weatherby Q.C. | Bishop, Lloyd & Jackson | Bereaved, survivors and local residents |
| Fiona Murphy | Bishop, Lloyd & Jackson | Bereaved, survivors and local residents |
| Allison Munroe | Deighton Peirce Glynn | Bereaved, survivors and local residents |
| Sam Stein Q.C. | Howe & Co | Bereaved, survivors and local residents |
| Leslie Thomas Q.C. | Hudgell Solicitors; Saunders Solicitors | Bereaved, survivors and local residents |
| Justin Bates | Russell-Cooke | Bereaved, survivors and local residents |
| Kate Ellis | Imran Khan & Partners | Bereaved, survivors and local residents |
| Lindsay Johnson | Oliver Fishers Solicitors | Bereaved, survivors and local residents |
| Martin Westgate Q.C. | Anthony Gold | Resident |
| James Maxwell-Scott Q.C. | DWF | RBKC |
| Alice Jarratt | Kennedys Law | TMO |
| Aidan Christie Q.C. | Clyde & Co | CEP Architectural Facades |
| Simon Antrobus | Beale & Co | Max Fordham |
| Stuart Catchpole Q.C. | DAC Beachcroft | Rydon Maintenance |
| Toby Riley-Smith Q.C. | Cooley UK | Whirlpool Corpn |
| Stephen Walsh Q.C. | Miles Smith, Head of Legal and Democratic Services | LFEPA |
| Martin Seaward | Thompsons | Fire Brigades Union |
| Louis Browne Q.C. | Burton Copeland | Fire Officers' Association |
| Jason Beer Q.C. | Government Legal Dept | DCLG |

Those who made submissions were assisted by other counsel and solicitors whom I have not named but whose contribution should be acknowledged.