

Grenfell Tower Inquiry

GRENFELL TOWER INQUIRY/METROPOLITAN POLICE SERVICE

MEMORANDUM OF UNDERSTANDING

A. General

1. The Inquiry and the Metropolitan Police Service (“MPS”) investigation are independent of each other and each is being conducted under separate legal powers.
2. The MPS will provide the maximum assistance to the Inquiry that it reasonably can that is consistent with maintaining the independence and integrity of its investigation and will do so voluntarily wherever possible.
3. The Chairman of the Inquiry will use all reasonable efforts, so far as consistent with his statutory duty under the Inquiries Act 2005, to conduct the Inquiry in a way which does not impede or compromise the MPS investigation or its integrity.
4. Communication between the Inquiry and the MPS on matters of disclosure and provision of material under this MoU shall be between the Solicitor to the Inquiry, Caroline Featherstone, and Sarah Winfield of the Directorate of Legal Services at the Metropolitan Police (in the first instance).

B. Assistance to the Inquiry by the MPS

5. The MPS will seek the consent of providers of witness statements or records of witness interviews to the disclosure to the Inquiry of such statements or records of interviews. Where (a) such consent is not forthcoming and (b) the MPS is not willing to provide the material without consent, the MPS will inform the Inquiry of the position as soon as possible.
6. The MPS will keep the Inquiry team regularly informed as to:
 - (a) what document disclosure, in general terms, it has had from what third parties;

(b) the identity of all witnesses it is actively planning to interview, unless there is a reason to protect their identity, and when, with 14 days' notice of interview date where practicable;

(c) the fact that it has interviewed such persons and/or obtained signed witness statements from them, and;

(d) the identity of all persons for whom it has received witness statements, whether signed or in draft, unless the MPS have reason to protect the identity of a particular witness.

7. The MPS will as soon as possible voluntarily give the Inquiry copies of all documents contained in Annex 1. This is not an exhaustive list of documents and the Inquiry may make further requests of the MPS for further voluntary disclosure in due course.
8. The MPS will provide all documents falling within the scope of such further requests as soon as possible after receipt of such request.
9. All such further requests and responses thereto will be governed by the terms of this MoU.
10. As soon as practicable after receipt of such material from the MPS pursuant to any such request, the Inquiry will inform the MPS which material that the Inquiry has received from the MPS the Inquiry is intending to or may use or publish.
11. The Inquiry shall, where practicable, notify the MPS of any intention to use or publish such material (as received from the MPS) with 14 days' notice of any intended date of publication or disclosure.
12. As soon as practicable after receiving the information from the Inquiry under paragraphs 10 or 11 above, the MPS will identify which documents or categories of documents it contends may, if disclosed by the Inquiry to Core Participants or other third parties, prejudice its investigations and in respect of which:

(a) it would not oppose the making of an order under section 21 of the Inquiries Act 2005 (“the Act”);

(b) it would oppose the making of such an order and/or;

(c) it would apply for a restriction order under section 19(2)(b) of the Act.

13. The Inquiry will not disclose such documents as are identified by the MPS under paragraph 12 above save:

(a) with the consent of the MPS, or;

(b) after the making of an order under section 21 of the Act, and;

(c) in any event for the purposes of instructing and taking advice from any expert instructed by the Inquiry and receiving his or her reports.

14. The MPS will:

(a) afford the Inquiry team, including its experts, access to all the reports, test results, findings and conclusions reached from time to time by its experts (including the Building Research Establishment (“BRE”)) in relation to the origin, cause and spread of the fire and smoke at Grenfell Tower, and the compliance of the building with relevant standards, and all the supporting material;

(b) where practicable, by giving reasonable written notice permit the Inquiry team, including its experts, to be present at all tests forming part of the MPS experts’ investigation into the origin, cause and spread of the fire and smoke at Grenfell Tower and its compliance with relevant standards;

(c) provide regular reports to the Inquiry team on the timetabling and progress of such tests and investigations;

(d) report regularly to the Inquiry on the information and advice received by it from time to time from the Forensic Reference Group established to challenge the MPS forensic strategy;

(e) ensure so far as reasonably possible that the MPS forensic experts (including the BRE) and/or the Forensic Reference Group take proper and reasonable account of any requests suggestions or observations made by any of the experts retained by the Inquiry as to any testing proposed to be carried out.

15. The Inquiry will not disclose such of its experts' reports as are dependent on or which refer to the work of the MPS experts, including the BRE or the Forensic Reference Group, save (i) with the consent of the MPS, or (ii) after the making of a relevant order under section 21 of the Act.

16. The MPS will permit the Inquiry access to the HOLMES database on a "read-only" basis for the purposes of identifying further requests for voluntary disclosure as referred to at paragraphs 7 and 8 above.

C. Co-ordination of the Inquiry's work with the MPS investigation

17. The Inquiry will keep the MPS regularly informed by written report as to:

(a) what document disclosure, in general terms, it has had from what third parties;

(b) unless there is a reason to protect their identity, the identity of all witnesses it is actively planning to interview, and when, with 14 days' notice of interview date where practicable;

(c) the fact that it has interviewed such persons and/or obtained signed witness statements from them, and;

(d) the identity of all persons for whom it has received witness statements, whether signed or in draft, where such statements have not been taken by a member of the Inquiry team, unless the Inquiry team have reason to protect the identity of a particular witness.

18. In response to such reporting, the MPS will inform the Inquiry as soon as reasonably practicable after each report whether:

- (a) it wishes to see or take copies of any particular document or class of document the subject of the relevant report from the Inquiry;
- (b) it wishes to see or take copies of any interview notes or draft or signed witness statements from any person identified by the Inquiry in the relevant report;
- (c) it wishes to engage in further discussions with the Inquiry as to the appropriate sequencing and arrangements for the interviewing of any person or the taking of any statement from any person including the terms as to what documents are put or not put to that person and who is present at the interview, and;
- (d) it objects to the disclosure or publication of any document or evidence by any other party, and the basis for the objection; in each case giving proper reasons for its request or (under sub-paragraph (d) above) objection.

19. The precise method and regularity of reporting and liaison is to be agreed.

20. In the event of a request under paragraphs 18 (a) or 18 (b) above, the Inquiry will seek the consent of providers of documents or witnesses to the production to the MPS of such material. Where (a) such consent is not forthcoming, and (b) the Inquiry is not willing to provide the material without consent, the Inquiry will inform the MPS of the fact as soon as possible.

21. The Inquiry will not, pending such discussions as are referred to in paragraphs 18 (c) above, disclose such specific documents or materials as the MPS identifies should not be disclosed and will not proceed with interviews or the taking of statements where the MPS has expressed concerns unless either the MPS consents following further discussions with the Inquiry, or the Chairman of the Inquiry so rules.

22. Materials voluntarily disclosed by the Inquiry to the MPS will be used only for the purposes of furthering its investigation and any consequent prosecution and will not be disclosed to any other person without the written consent of the Inquiry.

Dated 27 September 2017

- (i) All audio recordings of 999 calls between the start of the fire and 8pm on 14 June 2017.
- (ii) All transcripts of the same so far as yet created.
- (iii) All digital and other photographic and video recordings (including CCTV recordings) of and around Grenfell Tower between midnight on 13 June and 8pm on 14 June 2017 taken by residents, neighbours, volunteers, fire-fighters, and other emergency services.
- (iv) All contemporaneous records made by the London Fire Brigade, including fireman logbooks, thermal imaging and other measurements and electronically recorded data relating to the fire, commander records or logs, data from each fire engine, up to 8pm on 14 June 2017.
- (v) All formal witness statements taken from any witness to the fire, including in particular residents, families, neighbours, fire-fighters and other emergency services who attended the fire up to 8pm on 14 June 2017.
- (vi) In respect of the flat of origin only, all contemporaneous scene notes from police including SIO, crime scene manager decision logs, cordon logs and notes relating to access and discussion throughout the period that the fire scene investigation in the flat of origin was underway.
- (vii) All contemporaneous scene notes from the London Fire Brigade and any other fire investigators involved in the fire scene investigation including of any electrical appliances in the flat of origin.
- (viii) Copies of all fire service response/incident logs relating to the initial call received and all fire-fighting activities relating to the initial fire in the flat of origin and time line for such activities.

- (ix) Copies of all plans and drawings of the building layout and specifically including the flat of origin (if possible).
- (x) Copies of all witness statements from first responders, fire-fighters who attended the initial fire, witnesses relating to the initial fire and initial fire spread and any statements of the owners of the flat of origin and neighbours.
- (xi) Copies of all reports and draft reports relating to the fire scene investigation from London Fire Brigade, BRE, Key Forensics, and any other investigators.
- (xii) Copies of all investigations, notes and photographs from all parties relating to the appliance(s) and any other electrical material (e.g. wiring) which were examined.
- (xiii) Copies of all actions and messages relating to the fire scene investigation including correspondence with appliance manufacturers.