



Submissions following  
Phase 1 of the  
Grenfell Tower  
inquiry



Equality and  
Human Rights  
Commission

## Introduction

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On 14 June 2017, 72 people died after a fire engulfed Grenfell Tower, a 24-storey residential building in West London. Following this disaster, the Prime Minister commissioned an independent public inquiry to examine the circumstances leading up to and during the fire.

Chaired by Court of Appeal judge Sir Martin Moore-Bick, the inquiry will review documents and witness testimony, including from residents of Grenfell Tower. Its purpose is to establish the facts of what happened and to identify what needs to be done to prevent a similar disaster from happening again.

As the Prime Minister said when commissioning the inquiry, ‘Lessons must be learned.’

The inquiry has a critical role to play in meeting human rights obligations, in particular under Article 2 of the European Convention on Human Rights (ECHR). The scope of human rights obligations is a key consideration for the Inquiry in deciding whether to make interim recommendations, what these and the final recommendations should be, and how the Inquiry should now proceed.

The inquiry is in two phases. Phase 1 focuses on what happened on 14 June 2017, including where and how the fire started and then spread.

Phase 2 will examine the circumstances and causes of the fire, including the original design and construction of Grenfell Tower, subsequent modifications to the building, along with fire safety advice and prevention measures, and communication with residents.

The inquiry is processing a vast amount of disclosed documentation – more than 250,000 documents – relating to Phase 1, with Phase 2 to follow. The Phase 1 hearings concluded in December 2018 and work is underway on the Phase 1 report. Phase 2 is not due to begin until 2020, and the inquiry is not expected to complete its work until 2022.

## Our involvement in the inquiry

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In December 2017, we launched ‘Following Grenfell: The Human Rights and Equality Dimension’. It examines the human rights and equality elements of the Grenfell Tower disaster and considers whether the authorities are fulfilling their duties under human rights and equality law.

The prime focus and aim of our work is to assist the inquiry in properly identifying and understanding the relevant human rights obligations and to educate the wider public about the human rights and equality dimensions of the Grenfell Tower disaster. We are not duplicating the work already done by those involved in, or following, the inquiry by comprehensively addressing every aspect of the evidence or matters relating to the fire.

In focusing on the equality and human rights dimensions, we have produced five briefings explaining the key issues relating to the Grenfell Tower fire. These [briefings can be found on our website](#).

We have reviewed the transcripts of the Phase 1 hearings, the summaries of the expert reports, and key documents and witness statements. We have also spoken to key stakeholders, including survivors, bereaved and former residents of Grenfell Tower and surrounding blocks.

Many matters related to equality and human rights will not be fully considered until Phase 2. However, the inquiry chairman has previously said that it may be possible to make recommendations without waiting for the final report at the end of Phase 2. We agree and that is why we have provided further submissions to inform the inquiry's recommendations that are needed now in order to comply with equality and human rights responsibilities. In our view, recommendations can, and should, be made as soon as possible, certainly as a result of evidence under consideration in Phase 1.

Our submissions to the inquiry address the following issues:

- (1) the risk to life posed by the cladding on Grenfell Tower, and whether the authorities took all reasonable action to avoid that risk
- (2) if the authorities are taking all reasonable action to address concerns about cladding on other buildings in the UK and ongoing risk
- (3) additional fire safety issues relevant to the Grenfell Tower disaster
- (4) if additional protection was given to groups at greater risk living in Grenfell Tower
- (5) whether the authorities have complied with their equality and non-discrimination duties, and
- (6) concerns that have arisen about effective participation in the inquiry process itself.

## Right to life

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The right to life is a fundamental right under international law. In the UK, the right to life is guaranteed by Article 2 of the European Convention on Human Rights (ECHR), which in turn, is incorporated into UK law through section 6 of the Human Rights Act 1998.

The ECHR states that: ‘Everyone’s right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction if a crime for which the penalty is provided by law.’

There is a negative obligation on the authorities not to interfere with the right to life. There is also a positive duty to enable people to enjoy their right to life through, for example, enforcing criminal laws, regulating the delivery of public services and taking steps to avoid accidental deaths.

Having considered the evidence, we believe that there is an ongoing breach of the positive obligation to ensure that the right to life is protected and the authorities need to take urgent action to address this as set out below.

## Cladding

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A substantial body of evidence suggests that, prior to the Grenfell Tower fire, the authorities either knew, or ought to have known of, the real and immediate risk to life posed by the cladding on Grenfell Tower.

Cladding fires had happened before. They have happened in the UK and elsewhere in the world. The responsibility for lack of an appropriate regulatory framework to prohibit the use of cladding in residential blocks lies with the Government. So too does the failure to ensure that the regulatory framework was effectively monitored and enforced.

Examples include a fire in a multi-storey block of flats in Irvine, Ayrshire, in 1999, which showed the risk of fire spreading via external cladding systems. Two further fires in high-rise buildings led to fire safety recommendations, which have never been fully addressed.

Of most direct relevance to Grenfell is a fire in 2009 at Lakanal House – a 12-storey tower block in Camberwell, London – where six people were killed, and at least 20 injured.

Following inquests into deaths caused by the fire, the assistant deputy coroner wrote to the then Secretary of State for Communities and Local Government, saying that action should be taken to prevent similar circumstances from happening again.

One recommendation focused on simplifying the building regulations covering fire safety in and around buildings (Approved Document B) to make them easier to understand. This did not happen until after the fire at Grenfell Tower.

After the fire at Grenfell Tower, Dame Judith Hackitt undertook an independent review of building regulations and their impact on fire safety. Her report is a damning indictment of the regulations in places and its enforcement prior to the Grenfell Tower fire.

The Hackitt Report found 'deep flaws' and the need to rethink the regulatory framework. The report also highlighted the disconnect between residents and those responsible for managing the building.

We consider that these failures have given rise to a systemic breach of the positive human rights obligation to ensure that the right to life is protected.

The evidence shows that the authorities knew, or should have known, there was a real and immediate risk to life from combustible cladding on Grenfell Tower. They failed to take reasonable measures to prevent the disaster.

These measures include having in place a fit-for-purpose building regulations system prohibiting the use of combustible cladding materials in residential buildings, providing residents with access to information about the dangers of such cladding, and an effective regulatory mechanism to police and enforce those legal obligations.

Many of these problems still exist. While the use of combustible cladding in high-rise residential buildings has now been banned, combustible cladding materials are still present in hundreds of residential and public buildings.

Although interim safety measures have been put in place, the lack of progress in removing these materials in all affected buildings are urgent matters that must be addressed by the inquiry.

## **The need to act quickly**

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More than 400 high-rise residential buildings across England are fitted with cladding material likely to present a fire hazard. Of these, 160 are social sector residential

buildings, 176 are private sector residential buildings, 30 are hotels and 62 are student accommodation. Only 67 have had their cladding changed.

The Government has duties under Article 2 ECHR to protect against risks to life. However, private leaseholders are too often being asked to pay to remove and replace combustible cladding. This cost of remedial work stems from the Government's failure to provide a building construction and fire safety system that is fit for purpose.

Given the ongoing risks to residents of high-rise buildings with similar construction and cladding combinations to Grenfell Tower, these issues should be addressed immediately.

## Fire safety

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Following the fire at Lakanal House, recommendations made to the Government in 2013 included changes to the national guidance given to fire and rescue authorities.

These focused on the way in which firefighters conduct familiarisation visits to buildings, awareness that fire can spread up, down and laterally, and greater understanding of the risks of adhering to a 'stay put policy'. These changes were not implemented.

Evidence given to the inquiry by firefighters raises matters relevant to human rights laws. Consistent with protecting the right to life, the authorities have a duty to ensure that fire safety training and protocols are fit for purpose.

Urgent change is needed. Firefighters should be better trained to tackle fires involving combustible cladding. There are too many examples in the evidence of firefighters simply not knowing what they should have done when confronting the fire at Grenfell Tower.

The evidence also suggests that alternatives to the 'stay put' policy should be adopted for buildings with similar cladding to that at Grenfell Tower. The 'stay put' policy was devised as an alternative to evacuation in buildings designed and constructed to contain a fire. But this policy failed tragically at Grenfell. By the time the failure was recognised, however, it was already too late to try and evacuate the residents.

Information provided to residents about fire risk and safety measures were variable at best, and residents had no effective way of raising concerns. They did not have

enough information about the dangers posed by the cladding, nor a way to gain access to that information.

Action must also be taken to ensure that fire safety information is provided to all residents and that it is understood. This means doing more than simply providing a written fire safety notice in English, which was the case at Grenfell Tower.

Evidence concerning the fire safety measures in place prior to the Grenfell Tower fire is deeply troubling. It suggests that the authorities failed, and continue to fail, to satisfy their obligations under human rights laws. We say that to comply with ongoing positive obligations under Article 2 ECHR, the authorities must:

- implement training for firefighters on combatting cladding fires
- reconsider the application of / alternatives to the 'stay put' policy for buildings with similar cladding combinations to Grenfell Tower, and implement firefighter training on this issue, and
- ensure that residents are provided with sufficient fire safety advice.

In light of the ongoing risks, these steps should not await the outcome of Phase 2 of the inquiry.

## Vulnerable groups

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Human rights case law has established that the authorities should take particular care where a risk to life is posed to a vulnerable group. Grenfell Tower posed a distinct threat to life for vulnerable groups – children, pregnant women, older people, disabled people and those not fluent in English.

Examples shared with the inquiry include residents with mobility impairments, visual impairments and dementia, all of whom experienced difficulties living in Grenfell Tower. Some of these vulnerable individuals lost their lives as they could not escape from the building during the fire.

Their experiences before and during the fire tell a story of systemic failure to respond to their specific circumstances. From being housed in unsuitable accommodation to the lack of priority given to them by the emergency services, vulnerable residents of Grenfell Tower were let down.

The evidence suggests that the authorities failed, and continue to fail, to take appropriate protective measures that adequately corresponded to the needs of particularly vulnerable groups. We consider that this should be addressed by the

Inquiry in its Phase 1 report, so that appropriate measures may be taken in other similar buildings in the UK.

## Equality and non-discrimination

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In addition to looking at the Grenfell Tower fire from a human rights perspective, we have also assessed the authorities' equality and non-discrimination duties. There are clear breaches.

For example, there is no legal requirement to ensure that high-rise buildings have practical and effective measures for disabled people, elderly people, pregnant women or those with children to raise the alarm, to evacuate or to find refuge.

The different needs of these groups are not considered when allocating housing in the upper floors of a high-rise building. Also related to housing allocation is the fact that Black children and children from other ethnic minorities are disproportionately housed in tower blocks. This puts them at greater risk in the event of a fire.

The evidence indicates that the authorities have failed, and continue to fail, to meet its equality and non-discrimination obligations. We say that this should be addressed by the inquiry in its Phase 1 report.

## Access to the inquiry

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Individuals and groups have raised concerns with the Commission about the difficulties they are encountering in effectively participating in the inquiry.

We are pleased to see the inquiry will now take place in West London. There had been concerns that the original location and allocation of space at the inquiry venue in Holborn would prevent some from participating, particularly survivors, the bereaved and members of the community.

There are further concerns about the ability to question witnesses. Legal representatives for survivors, the bereaved and other affected members of the community have not been able to put their questions to witnesses, resulting in some issues not being fully explored.

In our submissions, we have drawn these matters to the inquiry's attention in the hope that these concerns can be addressed before the start of Phase 2.

## Conclusions

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Our overall view is that evidence already supplied to the inquiry and in the public domain clearly shows that the authorities failed and continue to fail in meeting their human rights obligations.

The fire at Grenfell Tower was a tragedy that should have been avoided. It is the duty of Government to protect an individual's right to life. By failing to provide the correct regulatory framework, nor to enforce the framework in place, the Government did not fulfil its duty to the people who lived and those who died in Grenfell Tower.

With more than 400 other high-rise residential buildings across the UK identified as having the same cladding as at Grenfell Tower, there is a risk of another fire and further loss of life. The inquiry has sufficient grounds to make urgent findings and recommendations now to address this and other ongoing problems, rather than wait until the conclusion of Phase 2.

Those failures were compounded by the failure to implement adequate training for firefighters and the failure to ensure residents were provided with sufficient fire safety advice. By failing to provide guidance to the emergency services based on recommendations resulting from previous fires in high-rise buildings, the responsible authorities did not fulfil their duty to protect the right to life. Firefighter training must be improved and alternatives to the 'stay put' policy must be formulated and implemented in relation to buildings containing combustible cladding.

By failing to take appropriate protective measures to meet the needs of particularly vulnerable groups, the relevant authorities did not fulfil their duty to protect the right to life. Grenfell Tower posed a threat to life for vulnerable groups, such as children, pregnant women, older people, disabled people (including those with cognitive, mobility or sensory impairments) and those who were not fluent in English. Appropriate evacuation policies must be effectively communicated and understood by all residents, especially those living in high-rise buildings.

The housing provided to many of these residents was not suitable for their needs. Policies and practices were not framed with appropriate thought for meeting the different needs of such residents. Housing policies and practices must be reviewed and reconsidered to ensure compliance with legal responsibilities under equality and human rights law.

The inquiry process and venue clearly needs significant improvement in order to facilitate the effective participation of survivors, bereaved families and others

affected by the disaster who are core participants in the inquiry, as required under Article 2 ECHR.

These failings are manifest. Evidence to the inquiry and in the public domain make this plain. The inquiry should act now and not delay recommendations for remedial action until its final report is ready in 2022.

**If you would like to read the full version of our submission it can be accessed on our website.**

# Contacts

This publication and related equality and human rights resources are available from [our website](#).

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