



## BRIEFING PAPER

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# Grenfell Tower fire: Response and tackling fire risk in high rise blocks

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### Contents:

1. Grenfell Tower Fire
2. Building regulations and fire safety
3. Government response
4. Rehousing displaced residents
5. Previous fires and recommendations



# Contents

<b>Summary</b>	<b>3</b>
<b>1. Grenfell Tower Fire</b>	<b>4</b>
<b>2. Building regulations and fire safety</b>	<b>6</b>
2.1 Building Regulations	6
2.2 The Regulatory Reform (Fire Safety) Order 2005	6
Additional fire safety checks	7
2.3 Devolved Administrations	7
2.4 The Housing Health and Safety Rating System (HHSRS)	8
Attempts to introduce a new housing fitness standard	9
2.5 Fire Statistics	10
Fires in purpose built flats	10
<b>3. Government response</b>	<b>11</b>
3.1 Changes to benefits rules	12
3.2 Public Inquiry	12
3.3 Checks on similar buildings	13
3.4 Police Investigation	16
<b>4. Rehousing displaced residents</b>	<b>16</b>
4.1 Discretionary Housing Payments	20
<b>5. Previous fires and recommendations</b>	<b>21</b>
5.1 Calls to review the building regulations	21

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## Summary

On 14 June 2017 a fire broke out at Grenfell Tower, a 24 storey residential housing block in North Kensington, London. At the time of writing 80 people are dead or missing presumed dead.

The tower, which provides social housing, contains 127 flats. The block is owned by the Royal Borough of Kensington and Chelsea but management of the block is the responsibility of the Kensington and Chelsea Tenant Management Organisation.

The fire appeared to spread rapidly up the building and concerns have been raised over recent renovations and fire safety measures in place.

The Prime Minister has announced a £5 million Grenfell Tower Residents' Discretionary fund to support those affected by the fire. A public inquiry, reporting to the Prime Minister, has also been announced.

This paper sets out the events and commentary around the fire, the relevant building regulations, fire safety laws and housing standards, the Government response to the fire, the responsibilities around re-housing, and previous concerns raised with fire regulations. It also covers responses from the devolved administrations, as fire safety and building regulations are a devolved matter.

The Prime Minister made a [statement to the House](#) on the fire on 22 June 2017. The Secretary of State for Communities and Local Government, Sajid Javid, made a further [statement on Grenfell Tower and fire safety](#) on 26 June. An [adjournment debate](#) on the Grenfell Tower Fire took place on Monday 26 June sponsored by Jim Fitzpatrick MP. The [chair of the Public Inquiry](#), Sir Martin Moore-Bick, was announced on 29 June.

# 1. Grenfell Tower Fire

On 14 June 2017 a fire broke out at Grenfell Tower, a 24 storey residential housing block in North Kensington, London. The fire was reported shortly after midnight and affected the majority of the floors.

The tower was built in 1974 and contains 127 flats. It was estimated to house between 400 and 600 people.

A refurbishment of the tower was completed in 2016, including new exterior cladding, replacement windows, heating systems and remodelling of the bottom four floors.<sup>1</sup>

The tower, which provides social housing, is managed by Kensington and Chelsea TMO (Tenant Management Organisation) on behalf of Kensington and Chelsea Borough Council.<sup>2</sup> The TMO have made a number of statements since the fire.<sup>3</sup>

The fire appeared to spread rapidly up the building; one form of fire control in tower blocks is normally the control of fires within flats through compartmentalisation.<sup>4</sup> There has been no formal statement on the cause of the fire.

In a statement on 28 June the Metropolitan Police confirmed that 80 people were dead or missing presumed dead following the fire.<sup>5</sup> This number has not changed at time of writing but it is expected to increase.<sup>6</sup>

There has been speculation over the cause of the fire, the impact of the renovations and the fire safety measures in place.

## Press Coverage

A number of the following stories highlight some of the issues raised. Please note this is not a comprehensive list of press articles or an endorsement of the contents:

- [May orders national inquiry after 100% failure rate in high-rise cladding tests](#), *Guardian*, 27 June 2017
- [Flammable Grenfell panels withdrawn from sale for high-rises](#), *FT*, 26 June 2017
- ['London fire: A visual guide to what happened at Grenfell Tower'](#), *BBC News*, 21 June 2016'
- [What we know and what we do not know about the Grenfell Tower fire](#), *FT*, 16 June 2017

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<sup>1</sup> ['London fire: What we know so far about Grenfell Tower'](#), BBC News, 20 June 2017

<sup>2</sup> <http://www.kctmo.org.uk/index>

<sup>3</sup> For example see: <http://www.kctmo.org.uk/news/337/fire-at-grenfell-tower-statement-16-june-2017>

<sup>4</sup> Compartmentalisation are construction methods aimed at hindering the spread of fire by sub-dividing buildings into a number of discrete fire resistant compartments.

<sup>5</sup> Metropolitan Police, [Grenfell Tower fire investigation](#), 28 June 2017

<sup>6</sup> HC Deb, 26 June 2017, [c347](#)

- [Grenfell Tower fire: Ministers face questions over safety review](#), *The Times*, 15 June 2017
- [Grenfell Tower residents kept warning that their home was a deathtrap](#), *The Times*, 15 June 2017
- [Maker of panels at London Tower cautioned on high-rise fire risk](#), *Reuters*, 16 June 2017
- [Grenfell Tower: fire-resistant cladding is just £5,000 more expensive](#), *The Times*, 16 June 2017
- [Grenfell Tower: results of fire investigation may not be published for years](#), *Guardian*, 17 June 2017
- [Fire safety: repeated calls for retrofitting sprinklers to high-rises were ignored](#), *Guardian*, 18 June 2017
- [Grenfell Tower: fire victims left in lurch by chaotic relief effort](#), *The Times*, 19 June 2017
- [Criminal inquiry widens as tower death toll reaches 79](#), *The Times*, 19 June 2017
- [London fire: A visual guide to what happened at Grenfell Tower](#), *BBC News*, 21 June 2016
- [Grenfell Tower fire: Block renovations 'inspected 16 times' before fatal blaze](#), *The Independent*, 22 June 2017
- [Grenfell Tower: Eleven high rises 'fail fire-risk tests'](#), *BBC News*, 23 June 2017
- [May orders national inquiry after 100% failure rate in high-rise cladding tests](#), *Guardian*, 27 June 2017
- [Flammable Grenfell panels withdrawn from sale for high-rises](#), *Financial Times*, 26 June 2017
- [Grenfell Tower gas pipes left exposed, despite fire safety expert's orders](#), *Guardian*, 27 June 2017
- [Fire-risk cladding discovered in hospitals and student halls](#), *The Times*, 28 June 2017
- [How lax building rules contributed to Grenfell disaster](#), *Financial Times*, 29 June 2017
- [Survivors tell Grenfell inquiry chair the remit is too narrow](#), *The Guardian*, 29 June 2017

## 2. Building regulations and fire safety

### 2.1 Building Regulations

Any new build or refurbished building must comply with the [2010 Building Regulations](#) (as amended). The technical requirements for new construction that must be met under the regulations are set out in [Approved Documents](#). These provide practical guidance on how to comply with the requirements of the regulations, and also reference more detailed British Standards and other guidance. The aim of this approach is to provide a level of flexibility on how the regulations are met.

[Approved Document B](#) (2006 edition incorporating 2010 and 2013 amendments) on fire safety covers means of escape, fire alarms, internal and external fire spread, and access and facilities for fire and rescue services.

It is the responsibility of anyone carrying out building work to ensure compliance with the regulations. The [Government website](#) provides information on when building regulations approval is required. Any major work should be regularly checked by either local authority building control or an independent inspector to ensure compliance. Completed work is then issued with a [completion certificate](#) to demonstrate that works meets building regulations. Local Authorities are responsible for enforcement.

Fire Safety Authorities are statutory consultees on fire safety under the regulations. The Government published [Buildings Safety and Fire Safety Procedural Guidance](#) in 2007 setting out the steps involved in approving the fire safety aspects of building work.

There have been [calls](#) to review the building regulations on fire safety following the Lakanal fire in 2009 to take into account new methods of construction. See section 5 for further information.

### 2.2 The Regulatory Reform (Fire Safety) Order 2005

The [Regulatory Reform \(Fire Safety\) Order 2005](#) was introduced with the aim of consolidation existing legislation on fire safety, and reducing overlaps. The changes followed extensive debate and consultation. Further information can be found in the [House of Commons](#) and the [House of Lords](#) Regulatory Reform Committee reports, both published in July 2004

The Fire Safety Order 2005 consolidated the wide variety of existing legislation on fire safety, extended its coverage so there was a single fire safety regime applying to all workplaces and other non-domestic premises, including common parts of houses in multiple occupation and blocks of flats; and also introduced a risk-based assessment approach to fire safety. The two main pieces of legislation replaced were the [Fire](#)

[Precautions Act 1971](#) and the [Fire Precautions \(Workplace\) Regulations 1997](#). The first required fire certification for hotels and boarding houses; and for certain workplaces. The second implemented EU legislation covering most workplaces, requiring a risk based assessment approach to fire safety to ensure protection of employees and other people present.

The Fire Safety Order 2005 applies to all non-domestic premises, including the communal areas of apartment blocks. The Order designates those in control of premises as the responsible person for fire safety in communal areas. In the case of apartment blocks, this duty falls on landlords and building owners. They have a duty to ensure that a risk assessment is carried out to identify hazards and risks, and remove and reduce these as far as possible.

There is [Government guidance](#) on carrying out risk assessments, including relation to the communal areas of flats in [Fire safety risk assessment: sleeping accommodation](#), published in 2006. The Local Government Association published [Fire safety in purpose-built flats](#) in 2011. This sector-led guidance was produced after landlords voiced concerns about how best they could deliver an appropriate level of fire safety in purpose-built blocks of flats.

Enforcement of the Fire Safety Order falls to the Fire Safety Authority, using a risk based approach. The London Fire and Emergency Planning Authority has [set out](#) how enforcement works in practice.

The Government published [guidance for enforcement authorities](#) in 2007. The Government also carried out a review of [Enforcement of the Regulatory Reform \(Fire Safety\) Order 2005](#), published in 2013. This highlighted concerns amongst stakeholders about a range of aspects of how regulations are enforced.

## Additional fire safety checks

Following the Grenfell tower fire the Department for Communities and Local Government (DCLG) [wrote to local authorities and housing association Chief Executives](#) on 22 June to advise them of fire safety checks and measures to be taken immediately if tower blocks in their area are found to be clad in combustible panel. It goes on to list the measures that should be taken. The letter followed an emergency fire safety review by independent panel of experts who “advised on steps to be taken if insulation within Aluminium Composite Material (ACM) is found to be unlikely to comply with the requirements of the current Building Regulations”. <sup>7</sup>

## 2.3 Devolved Administrations

Responsibility for fire safety and building regulations are devolved matters, with similar approaches in all the devolved administrations. The [Scottish](#) and [Welsh](#) Governments, and the [Northern Ireland](#) Executive all provide detailed information their websites on building regulations. The Scottish Government has a [Firelaw](#) page which covers fire safety. The

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<sup>7</sup> DCLG, Letter on [Safety checks following Grenfell Tower fire](#), 22 June 2017

## 8 Grenfell Tower fire: Response and tackling fire risk in high rise blocks

Northern Ireland Fire Service has a [Firesafe](#) website. In Wales fire services provide advice on fire safety, see for example see the [North Wales Fire and Rescue Service page](#)

The Scottish and Welsh Governments published responses to the fire on 20 June

- Welsh Government: "[Carl Sargeant outlines steps being taken following Grenfell Tower fire](#)", 20 June 2017
- Scottish Government: "[Review of building and fire safety regulations](#)", 20 June 2017

### Inspections

There have also been inspections and tests carried out on high-rise blocks in the devolved administrations.

The Scottish Government started a [Review of building and fire safety regulations](#) on 20 June 2017 and convened a Ministerial Working Group. The Group's latest [Comment on cladding and high rise buildings](#), 23 June 2017, said that no council or housing association domestic high rise buildings, in any of the 32 local authorities, have the type of cladding reported to have been used in the Grenfell tower. So far 24 local authorities had reported the same for private domestic high rises. However, *The Scotsman* [reported](#) on 27 June 2017 that an inspection carried out by Edinburgh Napier University into building safety has found that a halls of residence building features the same cladding as Grenfell Tower. This is now being removed.

The Welsh Assembly announced on 22 June that [Fire safety in tower blocks is to be examined by an Assembly Committee](#). The BBC [reported](#) on 27 June 2017 that the Welsh Government initially [suggested testing of cladding was voluntary](#) (but encouraged), but had since told social landlords that think they have aluminium composite material (ACM) cladding that it should be tested urgently

There are 32 high rise residential buildings run by the Northern Ireland Housing Executive. The Executive has [issued advice](#) and was [reported](#) to be carrying out inspections on 15 June 2017. Inspections were also [reported](#) on 23 June 2017 to be under way on 19 other buildings run by housing associations..

## 2.4 The Housing Health and Safety Rating System (HHSRS)

The HHSRS was introduced by the *Housing Act 2004* and has been in force in England and Wales since April 2006. It replaced a pass or fail Housing Fitness Standard which had been in place since April 1990 and which had been identified as having some significant failings. For example, it was felt not to distinguish between defective dwellings and genuine health and safety hazards.

The HHSRS is a risk based assessment tool which is used by environmental health officers (EHOs) to assess the risk (the likelihood and severity) of a hazard in residential housing to the health and safety



of occupants or visitors. There are 29 categories of potential hazards of which fire is one. The HHSRS covers individual flats within a block and also communal areas. The HHSRS is tenure neutral, it can be used to assess hazards in private and social rented housing and also in owner occupied housing. EHOs have powers at their disposal if they identify Category 1 or 2 hazards in a dwelling, however, although they may be instructed to inspect a local authority owned dwelling, they may not serve a notice on their own local authority. For more information see Library briefing paper 1917: [The Housing Health and Safety Rating System \(HHSRS\)](#).

## Attempts to introduce a new housing fitness standard

Since the introduction of the HHSRS in 2006, replacing the old Housing Fitness Standard, there have effectively been no minimum property standards for rented housing in England. For more information see Library briefing paper 7328: [Housing fitness in the private rented sector](#).

Karen Buck secured ninth place in the 2015-16 Private Members' Bill ballot, and subsequently presented the [Homes \(Fitness for Human Habitation\) Bill](#). The purpose of the Bill was "to amend the *Landlord and Tenant Act 1985* to require that residential rented accommodation is provided and maintained in a state of fitness for human habitation." The Bill did not complete its Second Reading.

Subsequently, during the Committee Stage of the *Housing and Planning Bill 2015-16*, Shadow Housing Minister, Teresa Pearce, introduced as an amendment Karen Buck's fitness for human habitation proposals.

In response, the then Housing Minister, Brandon Lewis, argued that the Bill's proposals on rogue landlords were a better way to improve standards without imposing "unnecessary regulation" on landlords. The Minister argued that the HHSRS was in place to keep properties in a decent state of repair, and that it was up to local authorities to enforce this properly.<sup>8</sup>

Teresa Pearce withdrew the amendment, but highlighted the shortage of personnel in local authorities enforcing the HHSRS, and asked the Government to consider ring-fencing housing fines to go back into environmental health teams.<sup>9</sup> The amendment was introduced again at Report Stage and was defeated.<sup>10</sup>

The fitness for human habitation amendment was introduced again during the Lords Committee Stage. In response, Baroness Williams of Trafford argued that the civil remedy it would entail would not be beneficial to tenants, nor would it be a course of action that could counter local authority inaction:

I question whether a vulnerable tenant would prefer to go through a lengthy court process rather than to be in a position to get their landlord to carry out repairs or to seek redress. My concern is that such a measure would lead only to rogues

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<sup>8</sup> [PBC Deb 10 December 2015 \(afternoon\), c707](#)

<sup>9</sup> [PBC Deb 10 December 2015 \(afternoon\), cc704-708](#)

<sup>10</sup> [HC Deb 12 January 2016, cc786-791](#)

avoiding their responsibilities and the sanctions that could lead to them being banned.

In addition, the amendment provides, among other things, for the court to have regard to whether there is a Category 1 hazard in the property. In order to establish whether there is a Category 1 hazard, the local authority would need to have carried out an inspection using the HHSRS methodology. In such cases, therefore, the tenant would need to involve the local authority in the proceedings.<sup>11</sup>

A similar point was raised by Baroness Evans of Bowe Park during debate on the amendment at Report Stage, where the amendment was defeated again:

It risks letting rogue landlords off the hook by expecting tenants—sometimes very vulnerable tenants—to accurately inspect the condition of their property and go to the expense and stress of taking their landlord to court where there are failings.<sup>12</sup>

## 2.5 Fire Statistics

Fire statistics are published by the Home Office on [Gov.uk: Fire statistics data tables](#).

The data includes the numbers of incidents, fires, fatalities and casualties as well as information on response times. The Home Office also collect information on the workforce, fire prevention work, health and safety and firefighter pensions.

### Fires in purpose built flats

In response to the Grenfell Tower fire, on 27 June 2017 the Home Office published an ad hoc statistical release: [Fires in purpose-built flats, England, April 2009 to March 2017](#).<sup>13</sup> The bulletin provides detailed statistics on fires in low-rise (1 to 3 storeys) medium-rise (4 to 9 storeys) and high-rise (10 storeys or more) purpose-built flats in England and London, which are not routinely published elsewhere. In summary, the bulletin shows that:

- The number of fires in high-rise purpose-built flats attended by Fire and Rescue Services (FRS) in England fell by 43% between 2009/10 (1,261 fires) and 2016/17 (714 fires). This compares to a fall of 58% in London over the same period.
- The number of fire-related fatalities in high-rise purpose-built flats attended by FRSs in London fell by 82% between 2009/10 (11 fatalities) and 2016/17 (2 fatalities). This compares to a fall of 75% in England over the same period.
- The number of fire safety audits carried out on medium and high-rise purpose-built flats by FRSs in England rose by 20% between 2009/10 (2,944 audits) and 2016/17 (3,534 audits). This compares to a rise of 92% in London over the same period.

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<sup>11</sup> [HL Deb 9 February 2016, c2222](#)

<sup>12</sup> [HL Deb 11 April 2016, c95](#)

<sup>13</sup> Home Office, [Fires in purpose-built flats, England, April 2009 to March 2017](#), Statistical Bulletin 12/17, 27 June 2017

- In 2009/10, the number of fire safety audits carried out on medium and high-rise purpose-built flats by FRSs in London accounted for 9% of all fire safety audits. By 2015/16, this proportion had risen to 18%.

### 3. Government response

On 15 June the Government responded to the incident by confirming emergency funding being made available through to the local authority through the Bellwin scheme.<sup>14</sup> A Library briefing is available giving general background on the [Bellwin scheme](#).

On 16 May the Prime Minister announced a package of support measures following the fire. This included commitments around re-housing and a £5 million Grenfell Tower Residents' Discretionary fund.<sup>15</sup>

It was also announced that a "team of experienced central government civil servants from the Department for Communities and Local Government" had been embedded within the council to support them. The Government announced checks were to be made on similar buildings.

The Grenfell Tower Residents' Discretionary fund, provides a payment of £5,500 to each household whose home has been destroyed as a result of the fire. £500 in cash was made immediately available while the remaining £5000 was payable in a single payment through a bank account or other arrangement. The discretionary fund is also available to meet funeral costs and to top up payments for households with complex or additional needs.<sup>16</sup> As of midday on 21 June, payments of £700,000 had been made.<sup>17</sup>

Other Government support announced includes:

- A guarantee of funding for temporary accommodation for those whose homes have been destroyed as a result of the fire while permanent homes are found
- Funding for legal representation for residents to ensure their voices are heard during the inquiry
- An additional £1.5 million to pay for mental health support to the Emergency Services through Mind's Blue Light Programme

A [Government webpage sets out advice and support available](#) for those people affected.

The [Secretary of State for Communities and Local Government wrote to MPs on 22 June](#) setting out the Government action to date, and updating them on the testing of other housing.<sup>18</sup>

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<sup>14</sup> DCLG, "[Government confirms emergency funding available in response to Grenfell Tower incident](#)", 15 June 2017

<sup>15</sup> Prime Minister's Office, "Support for victims of the Grenfell Tower disaster", 16 June 2017

<sup>16</sup> Prime Minister's Office, "[Details of Grenfell Tower Residents' Discretionary Fund](#)", 18 June 2017

<sup>17</sup> [HC Deb 22 June 2017](#)

<sup>18</sup> DCLG, '[Update to MPs on the Grenfell Tower disaster: 22 June 2017](#)'

### 3.1 Changes to benefits rules

Following concerns that people affected by the fire might face benefit sanctions for failing to meet jobseeking requirements, the *Guardian* reported on 20 June that DWP had clarified that staff in local jobcentres had been instructed to be “as flexible as possible” when dealing with affected claimants. The report states:

A DWP spokesman said: “Anyone affected by the Grenfell Tower fire who misses an appointment or is unable to meet their job-seeking requirements will continue to have their benefits paid in full. Our staff are handling people’s claims with sensitivity, understanding and flexibility and we have put extra support in place for anyone who needs it.”<sup>19</sup>

In her statement to the House on 22 June, the Prime Minister said that cash payments from central government and other discretionary payments made to individuals by the local authority would be disregarded for means-tested welfare payments, “so no-one in receipt of benefits will see their benefits cut if they accept emergency support.”<sup>20</sup>

On 21 June *The Guardian* also reported that the planned roll-out of the Universal Credit “Full Service” in North Kensington – due to start from 19 July – had been postponed. A DWP spokesperson told the paper that the priority was “to make sure people affected by the Grenfell Tower fire get the help they need” and that the roll-out had been deferred “so staff can focus on providing that extra support to affected residents.”<sup>21</sup>

### 3.2 Public Inquiry

On the 15 June 2017 the Prime Minister announced a public inquiry into the fire. On 17 June the Prime Minister confirmed that the “public inquiry will report back to me personally. As Prime Minister, I will be responsible for implementing its findings.”<sup>22</sup>

The Prime Minister [announced](#) on 29 June that Sir Martin Moore-Bick would head the Public Inquiry; and that the inquiry would be established under the 2005 Inquiries Act, with full powers including the power to compel the production of documents, and to summon witnesses to give evidence on oath. Further information on what this means can be found in the Commons Briefing Paper on [Inquests and Public Inquires](#).

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<sup>19</sup> [“Grenfell Tower tenants will not be subject to benefit sanctions,”](#) *Guardian*, 20 June 2017

<sup>20</sup> [HC Deb 22 June 2017](#)

<sup>21</sup> [“Universal credit rollout in North Kensington halted after tower fire,”](#) *Guardian*, 21 June 2017. For issues that have arisen in other parts of Great Britain where the UC Full Service has already been introduced see “Testing times for Universal Credit,” [Key Issues 2017](#), House of Commons Library, June 2017, pp42-3

<sup>22</sup> Prime Minister’s Office, [“Grenfell Tower: Statement from the Prime Minister”](#), 17 June 2017

With regard to the Terms of Reference, the Prime Minister set out the following:

The immediate priority is to establish the facts of what happened at Grenfell Tower in order to take the necessary action to prevent a similar tragedy from happening again. But beyond that immediate focus it is also important that all the wider lessons from both this catastrophe, and the inspections of other buildings around the country that followed it, are identified and learnt.

Before the Inquiry starts Sir Martin will consult all those with an interest, including survivors and victims' families, about the terms of reference. Following that consultation he will make a recommendation to me. I will return to Parliament with the final terms of reference once this process has taken place. Then the Inquiry will begin its work.<sup>23</sup>

### 3.3 Checks on similar buildings

An update was published by the Government on 19 June which confirmed that:

By close of play today, DCLG expected to receive figures from all local authorities and housing associations in England on the total number of high-rise buildings across the country which would be subject to additional safety checks.

DCLG has written to the heads of Local Authorities providing more details to help councils identify a particular type of cladding which is being subject to additional checks – facilities have been set up for testing of samples to begin from tomorrow once the first returns are received from councils.

Newspaper reports gave more detail, suggesting that the Government, through the Department for Communities and Local Government (DCLG), have written to local authorities asking them identify use of composite cladding:

Melanie Dawes, the permanent secretary at the Department for Communities and Local Government (DCLG), has written to councils ordering them to identify any use of aluminium composite material (ACM). "It is important to stress that ACM cladding is not of itself dangerous, but it is important that the right type is used," she said.

Any buildings that have the material will have a sample tested. "We are making this testing facility available to any other residential landlords and you should ensure that they are aware of this offer," Dawes wrote. She said the DCLG would then work with councils and housing associations to "identify the most appropriate options for supporting funding".<sup>24</sup>

The report also details LGA advice and speculates on the how the cost of work would be covered.

It should be mentioned that although the cladding of the building has been the focus of concern following the fire, the formal cause has not

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<sup>23</sup> Prime Minister [Written Statement to Parliament](#), 29 June 2017

<sup>24</sup> "[Government will cover costs of fire safety work, councils told](#)", *The Guardian*, 19 June 2017

been identified. This [Financial Times article](#) discusses some of other factors that may have been involved in the fire.

In her statement to the House on 22 June, the Prime Minister confirmed that cladding had been tested from other tower blocks and found to be combustible, noting that testing was continuing:

I know that many others living in tall residential buildings will have concerns about their safety after what happened at Grenfell. All social landlords have been instructed to carry out additional fire safety checks on tower blocks, and to ensure that the appropriate safety and response measures are in place. This is being done in co-operation with local fire and rescue services. We have also taken steps to make private landlords aware and have made our checking facilities available to them for free.

The House should of course be careful when it comes to speculating about what caused the fire, but the Government have arranged to test cladding in all relevant tower blocks as a precaution. Shortly before I came to the Chamber, I was informed that a number of these tests have come back as combustible. The relevant local authorities and local fire services have been informed. As I speak, they are taking all possible steps to ensure that buildings are safe and to inform affected residents. Immediately after this statement, the Department for Communities and Local Government will contact any MPs whose constituents are affected, and the Communities Secretary will provide a further update later today.

We can test more than 100 buildings a day, and the results come within hours. I urge any landlord who owns a building of this kind to send samples for testing as soon as possible. Any results will be communicated immediately to local authorities and local fire services. Landlords have a legal obligation to provide safe buildings. Where they cannot do that, we expect alternative accommodation to be provided. We cannot and will not ask people to live in unsafe homes.<sup>25</sup>

Later on the 22 June Communities Secretary of State Sajid Javid wrote to MPs with an update on other housing tested and stated that to date there were 11 buildings in 8 local authority areas where cladding had failed the testing. He wrote:

The landlords for all the affected buildings will take action to inform tenants and implement the interim measures set out in guidance sent by the department this morning. We will make known any local authority or housing association whose sample has failed the test once they have informed local residents – to do so before, would be inappropriate. The only areas we can name at this point are Camden, Manchester and Plymouth.<sup>26</sup>

In a further [statement to Parliament on 26 June](#) the Secretary of State set out how advice to local authorities was based on emerging information regarding the Grenfell fire; and that cladding on all 75 buildings tested had failed fire safety tests:

On 22 June, the Government provided advice to all these landlords about interim safety measures where a building has ACM cladding that is unlikely to be compliant with building

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<sup>25</sup> [HC Deb 22 June 2017](#)

<sup>26</sup> DCLG, [‘Update to MPs on the Grenfell Tower disaster: 22 June 2017’](#)

regulations. This advice was recommended by an independent panel of experts and includes advice based on the emerging findings from the Metropolitan police investigation into Grenfell Tower.

I can inform the House that, as of midday today, the cladding from 75 high-rise buildings in 26 local authority areas has failed the combustibility test. Members will rightly want to know whether their residents are affected, and my Department will publish regular updates on gov.uk.

The combustibility test has three categories rated 1 to 3, and it is judged that cladding material in category 2 or 3 does not meet the requirements on limited combustibility within building regulations. I can also confirm to the House that, so far, on that basis, all samples of cladding tested have failed. The fact that all samples so far have failed underlines the value of the testing programme and the vital importance of submitting samples urgently.<sup>27</sup>

There was also an announcement of the creation of an [expert panel](#) that will advise on immediate safety action following the Grenfell fire, chaired by Dr Peter Bonfield, Chief Executive of the Building Research Establishment.

The Secretary of State made clear that unsafe cladding was not the only concern and referred to more widespread fire safety issues that led to [five buildings on the Caldcote Estate](#) owned by [Camden Council](#) being evacuated:

One example is what has happened in Camden. The result of the cladding test for Camden triggered further investigations by the local fire service and the London fire commissioners. When the commissioners went into those tower blocks in Camden, they found, in their own words, multiple fire safety inspection failures, which, frankly, should not have happened in tower blocks of any type, and certainly not in those tower blocks in Camden. There were problems with gas pipe insulation, some stairways were not accessible and there were breaches of internal walls. Most astonishingly, literally hundreds of fire doors were missing. Camden Council itself estimates that it needs at least 1,000 fire doors because they were missing from those five blocks. That has nothing to do with the cladding. Something has clearly gone drastically wrong there.<sup>28</sup>

The [Guardian reported](#) on 27 June 2016 that the number of buildings with cladding that had failed fire resistance tests as 95 blocks in 32 areas. It also stated that the Prime Minister had ordered a “major national investigation into what has gone wrong”.

In addition, the [Health Service Journal](#) reported that nine hospitals with the highest fire risks due to the use of external cladding have been identified for intensive support from NHS Improvement.<sup>29</sup>

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<sup>27</sup> HC Deb, 26 June 2017, [c347](#)

<sup>28</sup> HC Deb, 26 June 2017, [c347](#)

<sup>29</sup> HSJ, [Nine hospitals singled out over cladding fears](#), 27 June 2017

### 3.4 Police Investigation

The fire is currently the subject of a police investigation and details were given in an update on 16 June:<sup>30</sup>

The Metropolitan Police Service is leading the investigation into the fire at Grenfell Tower.

The investigation team is being drawn together from detectives from across the Met, led by Detective Chief Inspector Matt Bonner of the Homicide and Major Crime Command.

At this stage the Met can confirm that, following initial reports from specialist investigators and experts who have examined the flat where the fire started, there is nothing to suggest the fire was started deliberately.

However, like any police investigation, it is the job of the police to establish all the facts and if any criminal offences have been committed.

The Met will work closely with the London Fire Brigade and the Health and Safety Executive, and it has been agreed that the police will take primacy of the investigation.

The investigation will look at all aspects of how people tragically lost their lives in this terrible fire, what happened and why.

A further statement on 19 June from Commander Stuart Cundy noted that 79 people were dead or missing presumed dead following the fire and gave details on the work to make identifications; he also made further comments on the scope of the investigation.<sup>31</sup>

On June 23 an [update from the Met Police](#) confirmed the number of dead or missing presumed dead remained at 79 but that they expected the number to change and expressed concern “that we do not have a complete picture” This was amended on 28 June to 80.<sup>32</sup>

## 4. Rehousing displaced residents

Local authorities in England have a statutory duty under Part 7 of the *Housing Act 1996* (as amended) to secure accommodation for unintentionally homeless households who are in a priority need category. One of the priority need categories listed in section 189 of the 1996 Act includes:

..a person who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster.

In the first instance, the authority may provide temporary accommodation pending a final offer in discharge of the main homelessness duty.

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<sup>30</sup> Metropolitan Police, [Grenfell Tower fire investigation](#), update at 12:00hrs on Friday, 16 June

<sup>31</sup> Metropolitan Police, [Grenfell Tower fire investigation](#), update at 12:50hrs on Monday, 19 June

<sup>32</sup> Metropolitan Police, [Grenfell Tower fire investigation](#), 28 June 2017



Since 9 November 2012, local authorities have been able to discharge their duty towards statutorily homeless households by offering a tenancy in the private rented sector. These provisions were introduced by the *Localism Act 2011*.<sup>33</sup> Local authorities are obliged to ensure that accommodation provided in discharge of their homelessness duties is suitable. The suitability requirement applies to any interim (temporary) accommodation, as well as to the final offer of accommodation. The accommodation must be suitable for the applicant and all members of the household who normally, or might reasonably be expected to, reside with the applicant. When determining issues of suitability, key factors include:

- the needs, requirements and circumstances of each household; space and arrangement;
- health and safety considerations;
- affordability; and
- location.<sup>34</sup>

The Coalition Government used its order-making powers (under section 210 of the *Housing Act 1996*) to specify required property standards and standards of management that apply where a homeless household is re-housed into private rented housing. Following a consultation exercise, the [Homelessness \(Suitability of Accommodation\) \(England\) Order 2012](#) was brought into force on 9 November 2012. [Statutory guidance on the Order](#) was published to which local authorities must have regard when discharging (ending) their duties to homeless households by using private rented accommodation. Importantly, the location requirements of the Order extend to any accommodation secured under Part 7 of the *Housing Act 1996*, including temporary accommodation.

There has been some concern expressed about the possibility of displaced residents from Grenfell Tower being housed away from the local area. In light of this, the relevant part of the [Statutory guidance on the 2012 Order](#) is reproduced in full below:

Location of accommodation is relevant to suitability. Existing guidance on this aspect is set out at paragraph 17.41 of the Homelessness Code of Guidance. The suitability of the location for all the members of the household must be considered by the authority. Section 208(1) of the 1996 Act requires that authorities shall, in discharging their housing functions under Part 7 of the 1996 Act, in so far as is reasonably practicable, secure accommodation within the authority's own district.

Where it is not possible to secure accommodation within district and an authority has secured accommodation outside their district, the authority is required to take into account the distance of that accommodation from the district of the authority. Where accommodation which is otherwise suitable and affordable is available nearer to the authority's district than the accommodation which it has secured, the accommodation which

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<sup>33</sup> *Localism Act 2011 (Commencement No.2 and Transitional Provisions) (England) Order 2012*, (S.I. 2012/2599)

<sup>34</sup> [Homelessness Code of Guidance for Local Authorities](#), 2006, chapter 17

it has secured is not likely to be suitable unless the authority has a justifiable reason or the applicant has specified a preference.

Generally, where possible, authorities should try to secure accommodation that is as close as possible to where an applicant was previously living. Securing accommodation for an applicant in a different location can cause difficulties for some applicants. Local authorities are required to take into account the significance of any disruption with specific regard to employment, caring responsibilities or education of the applicant or members of their household. Where possible the authority should seek to retain established links with schools, doctors, social workers and other key services and support.

In assessing the significance of disruption to **employment**, account will need to be taken of their need to reach their normal workplace from the accommodation secured.

In assessing the significance of disruption to **caring responsibilities**, account should be taken of the type and importance of the care household members provide and the likely impact the withdrawal would cause. Authorities may want to consider the cost implications of providing care where an existing care arrangement becomes unsustainable due to a change of location.

Authorities should also take into account the need to minimise disruption to the **education** of young people, particularly at critical points in time such as leading up to taking GCSE (or their equivalent) examinations.

Account should also be taken of medical facilities and other support currently provided for the applicant and their household. Housing authorities should consider the potential impact on the health and well-being of an applicant or any person reasonably expected to reside with them, were such support removed or medical facilities were no longer accessible. They should also consider whether similar facilities are accessible and available near the accommodation being offered and whether there would be any specific difficulties in the applicant or person residing with them using those essential facilities, compared to the support they are currently receiving. Examples of other support might include support from particular individuals, groups or organisations located in the area where the applicant currently resides: for example essential support from relatives or support groups which would be difficult to replicate in another location.

Housing authorities should avoid placing applicants in isolated accommodation away from public transport, shops and other facilities, where possible.

Whilst authorities should, as far as is practicable, aim to secure accommodation within their own district, they should also recognise that there can be clear benefits for some applicants to be accommodated outside of the district. This could occur, for example, where the applicant, and/or a member of his or her household, would be at risk of domestic or other violence in the district and need to be accommodated elsewhere to reduce the risk of further contact with the perpetrator(s) or where ex-offenders or drug/alcohol users would benefit from being accommodated outside the district to help break links with previous contacts which could exert a negative influence. Any risk of violence or racial harassment in a particular locality must also be taken into account. Where domestic violence is involved and

the applicant is not able to stay in the current home, housing authorities may need to consider the need for alternative accommodation whose location can be kept a secret and which has security measures and staffing to protect the occupants.

Similarly there may also be advantages in enabling some applicants to access employment opportunities outside of their current district. The availability, or otherwise, of employment opportunities in the new area may help to determine if that area is suitable for the applicant.

Where it is not reasonably practicable for the applicant to be placed in accommodation within the housing authority's district, and the housing authority places the applicant in accommodation in another district, section 208(2) **requires the housing authority to notify in writing within 14 days of the accommodation being made available to the applicant the housing authority in whose district the accommodation is situated.**

Local authorities are reminded that in determining the suitability of accommodation, affordability must be taken into account. This aspect of suitability must continue to form part of your assessment when considering the location of the accommodation.<sup>35</sup>

Homeless households that are unhappy with an offer of accommodation can seek a review of the offer and, ultimately, take a legal challenge on grounds of suitability. The [briefing on the Queen's Speech](#) (21 June 2017) included the following commitment in relation re-housing Grenfell Tower residents:

People who lost their homes in the fire must be rehoused at the earliest possible opportunity and we will aim to do this within 3 weeks of the date of the disaster. We guarantee that we will rehouse people as close as practically possible to where they previously lived, meaning they can continue to access the same public services such as their local school or local GP. This rehousing would be in the same borough and, if not, a neighbouring borough.<sup>36</sup>

In a [statement to Parliament on 26 June 2017](#) the Secretary of State for Communities and Local Government, Sajid Javid, confirmed the Government's commitment that those affected by the Grenfell Tower fire would be offered temporary accommodation within three weeks:

The commitment that we have rightly made is that every single one of the families whose homes have been destroyed—both at Grenfell Tower and in the neighbouring Grenfell Walk: together, some 144 units—are guaranteed an offer within three weeks of temporary housing in the local neighbourhood; we have defined "the local neighbourhood" as Kensington and Chelsea, but also the neighbouring boroughs.<sup>37</sup>

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<sup>35</sup> DCLG, [Supplementary Guidance on the homelessness changes in the Localism Act 2011 and on the Homelessness \(Suitability of Accommodation\) \(England\) Order 2012](#), November 2012

<sup>36</sup> [Queen's Speech and associated background briefing](#), 21 June 2017, p53

<sup>37</sup> [HC Deb 26 June 2017 c351](#)

The Minister reported that individual housing assessments had been carried out for nearly all households from Grenfell Tower and Grenfell Walk; 59 offers of temporary accommodation had been made.<sup>38</sup>

On 21 June 2017 the Government [announced](#) that it had secured the first tranche of permanent new homes to rehouse local residents affected by the fire at Grenfell Tower. The 68 flats are newly built social housing and form part of the Kensington Row development in Kensington and Chelsea. The new housing is expected to be completed by the end of July 2017.<sup>39</sup>

The Secretary of State for Communities and Local Government, Sajid Javid, has confirmed that the terms of the new tenancy agreements for those who are rehoused “will be the same or better, whatever housing they eventually receive”.<sup>40</sup>

## 4.1 Discretionary Housing Payments

On 23 June the Department for Work and Pensions issued [new guidance](#) encouraging local authorities to give priority to and be flexible when determining applications for Discretionary Housing Payments (DHPs)<sup>41</sup> from former residents of Grenfell Tower.<sup>42</sup> The bulletin notes that DHP applications may be received from former residents for various needs including “assistance towards rent in advance, deposits and other lump sums associated with a housing need such as removal costs or, indeed, the cost of temporary accommodation.”

The bulletin also notes that former residents who are moved may become subject to other welfare reforms, including limits to payments for tenants in social rented housing deemed too large for their needs (sometimes referred to as the “bedroom tax”, or “removal of the spare room subsidy” (RSRS)). It adds:

Although the RSRS does not apply to people in temporary accommodation, it may do so in permanent accommodation and we would advise that in these circumstances any requests for a DHP to meet rent shortfalls should be treated as a priority.

In addition, in relation to the benefit cap – which limits the total amount in benefits a working age household may receive (unless an exemption applies)<sup>43</sup> – the bulletin advises:

14. The benefit cap will continue to apply provided former residents qualify for welfare benefits that exceed the cap level (though some compensatory payments will not be included in the benefit cap calculation).

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<sup>38</sup> [HC Deb 26 June 2017 c351](#)

<sup>39</sup> [‘First new homes secured for victims of the Grenfell Tower disaster’](#), *DCLG Press Release*, 21 June 2017

<sup>40</sup> [HC Deb 26 June 2017 c354](#)

<sup>41</sup> For further information on DHPs see DWP, [Claiming Discretionary Housing Payments](#), updated 21 June 2016; and Commons Library briefing CBP-6899, [Discretionary Housing Payments](#), 9 June 2017

<sup>42</sup> [Discretionary Housing Payments: Royal Borough of Kensington and Chelsea Grenfell Tower Fire](#), DWP Housing Benefit Urgent Bulletin HB U3/2017

<sup>43</sup> See Commons Library briefing CBP-6294, [The Benefit Cap](#), 23 November 2016

15. However it should be stressed that DHPs are available to support all those individuals who are affected by the cap generally; and to those on a move to both temporary and alternative accommodation within the Royal Borough of Kensington and Chelsea and outside the LA area.

## 5. Previous fires and recommendations

In 2000 the Environment, Transport and Regional Affairs Committee reported on the risk of fire spread via external cladding. This followed a fire in a block of flats in Ayrshire in 1999. The [report \(Potential risk of fire spread in buildings via External Cladding Systems\)](#) is available online, as is the [Government Response](#).

In 2009, a fire at Lakanal House, a 14 storey social housing tower block in Southwark, resulted in the death of six people. The investigation that followed highlighted a number of safety issues around the spread of the fire and the safety measures in place.<sup>44</sup> Following the Coroner's Inquest into the fire, the Coroner made a number of recommendations on fire safety. Further information is available at:

- Lakanal House Coroner Inquest – [verdicts and Coroner's recommendations](#) (March 2013)
- [Government response to the Inquest](#) (06/06/2013)

### 5.1 Calls to review the building regulations

Following the Lakanal House fire, the All-Party Parliamentary Fire Safety and Rescue Group reportedly called for a review of the building regulations. Then Housing Minister, Gavin Barwell, gave the following response to an Oral PQ on 24 October 2016 asking when a review of the building regulations would take place:

We have not set out any formal plans to review the building regulations as a whole, but we have publicly committed ourselves to reviewing part B following the Lakanal House fire. During the passage of the Bill that became the Housing and Planning Act 2016, we made a commitment to review the energy-efficiency standards for buildings in part L.<sup>45</sup>

On 9 February 2017, Brandon Lewis, then Minister for Policing and the Fire Service, responded to a Written PQ on new construction techniques and the building regulations:

**Carolyn Harris:** To ask the Secretary of State for the Home Department, what discussions her Department has had with the Department for Communities and Local Government to ensure that building regulations fire safety guidance is revised to reflect changes such as new construction techniques, building use and changing response patterns.

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<sup>44</sup> ['Lakanal House tower block fire: deaths 'could have been prevented'](#), *The Guardian*, 28 March 2017

<sup>45</sup> [HC Deb 24 October 2016](#)

## 22 Grenfell Tower fire: Response and tackling fire risk in high rise blocks

**Brandon Lewis:** Home Office officials have discussed with the Department for Communities and Local Government plans for the future development of the fire safety aspects of building regulations. The Department for Communities and Local Government will make a statement in due course.<sup>46</sup>

BBC Panorama reported on 19 June that the All-Party Parliamentary Fire Safety and Rescue Group had previously raised the issue of fire safety in tower blocks with the Government.<sup>47</sup> Material published by the All-Party Parliamentary Fire Safety and Rescue Group can be found on the [Fire Sector Federation's website](#).

In an [adjournment debate on Grenfell Tower Fire](#) sponsored by Jim Fitzpatrick MP took place on 26 June in which various issues relating to fire safety were raised.<sup>48</sup>

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<sup>46</sup> [Written Question – 63194, 9 February 2017](#)

<sup>47</sup> For further information see: [Four ministers were warned about tower block fire risks](#), *BBC News website*, 19 June 2016.

<sup>48</sup>

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