

Submission on behalf of ROTA and others
on
the Terms of Reference for and the Composition of the Inquiry
into the Grenfell Tower Fire

Who we are

1. This submission is made on behalf of a group of well-known NGOs and community representatives, including representatives of tenants' organisations in the immediate vicinity of Grenfell Tower who are directly or indirectly affected by the wider issues. They are assisted by academics, and other persons with relevant expertise particularly in housing, discrimination and community relations, all of whom are named at the foot of this document. For convenience, this growing group will be referred to as the 'ROTA Group' of interested participants, after the lead organisation, Race on the Agenda.¹
2. There is also attached hereto² a short statement from Ms. Samia Badani, chair of Bramley House Resident Association, which lies very close to the foot of the Grenfell Tower, which is indicative of some of the concerns which arise.

The Prime Minister's announcement of 29 June 2017

3. On 29 June 2017, the Prime Minister announced in the House of Commons:

“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..... **No stone will be left unturned** by this inquiry, but..... we cannot wait for ages to learn the immediate lessons and so I expect the Chair will want to produce an interim report as early as possible.”

4. This objective makes plain that **all causes** of the fire must be identified and **all the wider lessons learned**, without compromising the need for an interim report on the most immediate safety concerns.

¹ A description of the Group's main participants is attached: annex 1.

² See Annex 2

The wider context: Discrimination and marginalisation

5. The Inquiry Chair will be aware that there is a deep-seated, strongly-held feeling within the local community that it has been **systematically** ignored and **marginalised** over many years, on grounds of its vulnerable and powerless low-income social status and the ethnic and racial background of its members, leading to wide-ranging safety and security concerns.
6. There is also a widespread political, academic and community-based concern that the fire was the predictable outcome of housing and regulatory policies that ensure that the communities housed in the public sector do not benefit from the same standards that apply to housing and commercial buildings for more prosperous sections of society.
7. These concerns are not restricted to Grenfell. They reflect a failure of legislative and administrative systems, many of which appear designed to exclude, or have the effect of permitting the exclusion of, the concerns of tenants more often from disadvantaged low income backgrounds, and amongst whom people of BME or migrant origin are disproportionately represented.
8. Even where legal structures for active tenant participation exist in formal terms, the day-to-day practices adopted by those with powerful financial or political interests make it difficult for the structures to be meaningfully utilised by or on behalf of tenants, particularly by those from more economically disadvantaged backgrounds or from BME/migrant communities. The position of irregular or undocumented migrant and of those offering shelter to irregular or undocumented migrant family members or friends, in terms of their ability and willingness to speak out against discriminatory practices, is particularly vulnerable.
9. Thus, whilst on the surface the Grenfell fire raises a range of issues about building safety and the failure of services to respond adequately to an emergency and tragedy, the real causes lie in deeper issues which the Inquiry must address if it is to attract the respect and confidence of the communities affected.
10. Those issues are:
 - a. the history of contempt and neglect that has enabled building regulation failures, including, in particular, governmental indifference to the issue of the safety of public sector tenants in high rise blocks as evident from the several missed opportunities to take action through legislation and other measures
 - b. the culture of institutionalised discrimination against the low-paid, the vulnerable and those of BME and migrant communities, within the public housing sector,
 - c. the consequential marginalisation of the safety concerns of tenants,

- d. the legislative gaps and the administrative practices employed by local authorities and others in charge, which prevent the realisation of safety standards and which stifle and discourage take-up of tenants' safety concerns³,
- e. the non-existence of effective and legally enforceable protection systems⁴ which ensure that the voices of tenants and of affected communities are heard and taken seriously, including the inability of tenants to take up effective legal action themselves,
- f. the systemic failure to secure, *without discrimination* (Art 14 ECHR), the meaningful protection of the fundamental rights of tenants to:
 - (a) the right to life (Art 2 ECHR),
 - (b) the right to freedom from degrading conditions and treatment (Art 3 ECHR),
 - (c) the right to respect for one's home, the right to adequate housing and the right to peaceful enjoyment of possessions without arbitrary interference (e.g. Art 8, Article 1 Protocol 1, ECHR),
 - (d) the right to be able to take effective legal action themselves with legal aid (which currently is often unavailable in any practical sense), rather than being forced to rely on those in power (who have no interest in doing so).

11. These concerns engage legal rights and substantive and procedural protections arising under the European Convention of Human Rights, Articles, 2, 3, 6, 8, 14 and Article 1 Protocol 1, as well as standards arising under a range of applicable international human rights instruments.

12. These concerns imply that the Inquiry must take at least the following three steps immediately.

(1) The Terms of Reference

³ It appears that at least since 2010 the government has acted to reduce the influence of tenants on decisions relating to their housing through TMOs. Tenants now have no control over what work is carried out and at what price. There are no effective mechanisms for addressing concerns about safety or collective concerns regarding the failure of the landlord to adhere to appropriate standards to make the premises safe. There are no effective means of taking independent safety, environmental health, construction, procurement, engineering or legal advice in relation to steps that should be carried out and no provision to pay for such advice for those without means. Governance and procurement processes exclude tenants and others and deny them a voice in the running of their housing and, instead, emphasise the procurement of the cheapest possible housing solutions at the expense of safety.

⁴ By way of one example only at this stage, see the proposals for some legislative change at: <http://www.lag.org.uk/magazine/2017/07/improving-fire-safety-under-housing-legislation.aspx>

13. The Terms of Reference must be broad enough to reflect all of the concerns set out above, so that the causes of the fire are fully identified and recommendations are made which ensure that no similar incidents occur again.
14. As a large proportion of those affected by the fire are people of migrant and BME origin, it will be important address the issues referred to above and the discriminatory patterns of allocation of unsafe and unfit housing to people of migrants and BME origin, and the formal and practical barriers which prevent the take-up of the safety concerns of such persons.
15. The precise wording the Terms of Reference is ultimately a matter for the Chairman and for the Prime Minister, but whatever wording is adopted, an express guarantee should be given by the Inquiry Chairman that the Terms will enable the aforesaid concerns to be addressed, because those concerns are the precise concerns voiced so many of the tenants and tenants' groups at consultation meetings and which are the cause of so much of the anger.

(2) A Panel of Advisers

16. At the moment the Inquiry Team does not have the confidence of the affected communities. This is a vital ingredient for the success of any Inquiry. This issue also goes very directly to the likelihood of the Inquiry Team being in a position to address the aforesaid concerns. But if the Inquiry is to address the concerns that are raised, it is essential that the Chair is assisted by a panel of expert advisers.
17. These experts should include persons with direct experience of the communities affected, as well as people who can advise on the wider and contextual concerns referred to above, who can be relied on to ensure in an impartial manner that the Inquiry focuses on these concerns. A similar approach was adopted in the Stephen Lawrence Inquiry, resulting in a report which identified systemic failures and positive recommendations of lasting value.
18. The situation of tenants in public housing urgently demands a comprehensive review of the way in which social housing providers including local government, Tenancy Management Organisations ('TMOs'), housing associations and their contractors are able to utilise existing structures to sideline the legitimate safety and housing concerns of tenants, leaseholders and other occupants, resulting in disenfranchisement and discrimination. It is only through the use of advisers that this level of scrutiny of the issues can meaningfully occur.

(3) The Inquiry Team and its methodology

19. Independence: The Inquiry Team must ensure that its personnel and its secretariat and such advisory support as it has from civil servants, remains independent of government or other entities or interested parties, that there is full transparency as to the past experience of such persons and of the terms on which they are recruited, and that all steps which may give rise to perceptions of a conflict of interest are avoided.
20. Disclosure: The Inquiry Team must assiduously secure and share with the interested parties as much disclosure as is possible of the documents relevant to the issues (including the issues identified above). In particular, it must assiduously secure documents which go to the issues of the advice provided to and the steps taken by government (in formulating policy and legislation), local government, TMOs, and relevant contractors (this list is referred to below as 'government and others') at relevant points regarding housing standards, housing safety, environmental health and building legislation and regulations and the involvement of tenants in the decision making processes of TMOs; when that advice was provided and those steps taken; whether the government and others acted on or ignored that advice; the reasons given at the time for any decisions taken. These documents should include documents relating to any equality impact assessments that may have been carried out and **all** relevant documents including of policy discussions that would not otherwise be released by the civil service except under the 30 year rule. The full extent of this disclosure will have to be considered on a rolling basis, with particular regard to the issues identified above.

Participation

21. The ROTA Group through its access to a range of bodies and persons with special expertise, and the involvement of representatives of those living within the Grenfell Tower or very close to it, is well placed to assist the Inquiry with expert analysis and evidence on the issues set out above and will seek full and effective participation as a core interested party within the Inquiry through counsel and solicitors.

4 August 2017

Andy Gregg, Chief Executive, Race on the Agenda

Manjit Singh Gill QC

Samia Badani Chair of Bramley House Residents Association

Vassili Stavrou-Lorraine Bramley House resident

Juan Blanco Markland House resident

Nahid Ashby Vice-Chair of Silchester Tenants Association, signing in a personal capacity

Elizabeth Mary Harington Stravoravdis Committee Member of Kensington Residents' Alliance

Joe Delaney Lancaster West resident

Gordon Futter Campden Houses, Peel Street resident

Dr Richard Stone Panel member of the Stephen Lawrence Inquiry

Kwabena Owusu, counsel

Saira Grant, Chief Executive Joint Council for the Welfare of Immigrants

Dr. Stuart Hodgkinson University of Leeds

Sue Lukes, housing consultant

Dr. Nigel de Noronha, Warwick University

Jhangir Mahmood, solicitor and director, of Bishop Lloyd Jackson Solicitors, representing some of the families living in Grenfell tower at the time of the fire

Fizza Qureshi Director, Migrants Rights Network

Kunle Olulode Director, Voice4Change England

Dr. Omar Khan Director, Runnymede Trust

Mark Blake Project Development Officer, Black Training and Enterprise Group

Jabeer Butt Deputy Chief Executive, Race Equality Foundation

Note: the counsel and solicitors who are signing this document are not currently instructed by any of the signatories and are signing simply as lawyers with expertise in the field.

For further inquiries or information please contact:

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ANNEX 1: WHAT IS THE ROTA GROUP?

The ROTA group is not formally constituted. It consists essentially of the signatories to this submission. They came together on the initiative of a concerned resident in a block affected by the Grenfell fire, and so far include

- Concerned residents in RBKC who are tenants and leaseholders of TMO managed properties
- Voluntary sector organisations concerned with race equality and justice
- Academics and other experts with an interest and practice in housing, tenant consultation and rights, discrimination, disadvantage, race equality and migration
- Lawyers with expertise in housing, human rights, construction and discrimination

We are grateful for the advice, encouragement and help offered by many residents and other advisers.

ANNEX 2: STATEMENT BY SAMIA BADANI

IN THE MATTER OF AN INQUIRY INTO THE FIRE AT GRENFELL TOWER; AND IN THE MATTER OF THE STATEMENT OF MS. SAMIA BADANI

I, SAMIA BADANI, DO SAY,

1. I live in Bramley House (and can supply my full address on request⁵). I have lived at this address since 2001.
2. I offer this statement to explain in summary form some of the concerns that Bramley House residents have expressed to me regarding the fire and the terms of reference of the Inquiry.
3. I was elected chair of the Bramley House Residents Association ('the BHRA') in 2015. Bramley House is a council estate of 45 dwellings that faces directly on to Grenfell Tower. It is a distance of approximately 125 metres away from Grenfell Tower as the crow flies. Many of our members lost friends and neighbours in the fire, we witnessed the dreadful events of 14th June 2017 and were initially told that we would have to evacuate our homes as well. Some of our residents could not return home while others are understood to have been placed in emergency accommodation. Bramley House is one of the estates which are listed as affected by the Grenfell Fire. The estate was within the security cordon established by emergency services that night. What happened before, during and after the fire is why I believe our association should be joined to the Inquiry.
4. Our Association has been expressing our concerns about the functioning of the Kensington and Chelsea Tenants Management Organisation ('the KCTMO') and the Royal Borough of Kensington and Chelsea ('the RBKC ') for many years through all channels available to us. We believe that we have not been heard, that the Council and TMO have consistently ignored us and other tenants and residents associations, and that this is a prior cause of the tragedy of 14th June.
5. Some examples of this are
 - a) Bramley House has suffered 20 years of underfunding and was excluded from some Capital Works programme. For 20 years, we have tried to have double glazing windows fitted in our block. Bramley House was also ignored during the consultation on the building of the Aldridge Academy and despite the funding available to minimise the impact of the New Academy on our bloc, our concerns were dismissed

⁵ We assume that the submissions to the Inquiry may be made public and so disclosure of the full address is not appropriate.

b) In 2013, the water supply failed for one of the blocks and residents were left with no water Saturday to noon on Monday. The TMO refused to act or provide residents with alternative water supplies. Some were told to contact Thames Water, but when they did they were told it was a matter for the TMO. Finally a TMO contractor arrived on Monday and fixed the problem in a matter of minutes.

c) Again in 2013, a local councillor contacted the TMO asking for a response to residents' concerns about the timber front doors of the block, which had been in place for 30 years and did not meet fireproofing standards. Her request for inspections, reports and tests produced no results.

6. On the day of the fire, we were left completely uninformed about why we should be evacuated or should not. Many of our residents were told to pack a bag and be ready to evacuate. Some of our residents were not allowed in the block while others were inside while burning debris scattered all over our courtyard and reached communal areas. Smoke reached some of the homes.
7. After the fire the confusion continued. Sometimes we are told we will receive help, then told we will not. We were placed on the list of affected buildings then removed and the put back on the list. It took weeks for the council to acknowledge that we had been significantly impacted upon and even now it is a struggle to get any services for residents. Neither the council nor the TMO removed the debris, residents did it themselves.
8. We have since talked to other tenants and residents associations including people from Silchester, Lancaster West, Campden Houses, Markland House, the Grenfell finger blocks and the Kensington Residents' Alliance and believe that some may also wish to be joined with us. Some have agreed to sign this submission about the scope and composition of the Inquiry because they share our concerns and have had similar experiences over many years. Time constraints have made it impossible for us to explore this further but we expect to have a fuller list soon.
9. We had a useful meeting with Bernard Richmond QC and Mark Fisher from the Inquiry team on 31st July and they suggested we seek legal advice.
10. We are in the process of doing so, and on the basis of that we will probably seek the status of core participant under rule 5 (2) (b) of the Inquiry Rules 2006.
11. We believe that our experience as longstanding residents is essential to enable the Inquiry to arrive at the truth of what has been happening in RBKC and how the fire at Grenfell Tower came about.

12. We believe that the way in which we have been treated and the history of our dealings with RB Kensington and Chelsea and the TMO will powerfully illuminate the background and causes of this tragedy and so help the Inquiry make useful recommendations about the ways forward.

13. We also believe that unless the Inquiry grants us and groups like us this status we will not be able to provide this evidence or express our views and we believe this will make it difficult or impossible for the Inquiry to meet the goals that it has set for itself and reach balanced conclusions on the evidence of all who have been affected.

The contents of this statement are true.

Signed:

Name: Samia Badani

Dated: 3rd August 2017