



Grenfell Inquiry

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GRENFELL REPORT
FIRE RISK ASSESSORS
&
FIRE SAFETY ENGINEERS

KEY POINTS



- Concerns raised about fire risk assessor competence following the Lakanal House fire in 2009
- Government's reluctance to regulate the fire risk assessment industry
- Inadequate response to Coroner's recommendations after Lakanal House inquests
- Failure to provide clear guidance on fire safety in high-rise residential buildings
- Attempts at self-regulation by the industry
- Certification of Fire Risk Assessors
- Protection of 'fire safety engineer'

Concerns About Fire Risk Assessor Competence (2009- 2011)

- Sir Ken Knight's 2009 report highlighted issues with fire risk assessor competence
- Recommended government work with industry to develop competency standards
- Government favoured industry self-regulation over formal qualifications/accreditation
- Fire Sector Federation established in 2011 to improve standards, but had limited impact.

Government Approach to Regulation

- Coalition government's deregulation agenda influenced approach
- Focus on reducing "red tape" and regulatory burdens on businesses
- Department for Communities and Local Government (DCLG) resistant to new regulations
- Officials believed industry should take lead on improving standards
- DCLG failed to act on expert recommendations to improve fire risk assessor competence
- Lacked resources to develop a regulatory scheme. This approach allowed the risk of incompetent fire risk assessors to persist

Attempts at Industry Self- Regulation

- Fire Risk Assessment Competency Council formed in 2010
- Developed competency criteria and third-party certification schemes
- The fire safety sector attempted to develop competency standards and accreditation schemes, but failed to reach agreement.
- Limited uptake of certification schemes by risk assessors
- Lack of legal requirement for competency hindered progress
- Industry self-regulation efforts were unsuccessful

Response to Lakanal House Coroner's Recommendations (2013)

- Coroner recommended national guidance on:
 - Scope of fire risk assessments
 - Competence of assessors
 - Specific risks in high-rise residential buildings
- Government response:
- The DCLG had relied on existing Local Government Association (LGA) guidance
 - Did not provide additional national guidance
 - Failed to address competency concerns adequately

Inadequate Guidance on High- Rise Residential Building Fires

- LGA guidance "Fire Safety in Purpose-Built Blocks of Flats" published in 2011
- Government considered it sufficient, despite limitations
- Did not address specific risks in high-rise buildings comprehensively
- Failed to provide clear advice on stay put policies and evacuation

Continued Concerns and Limited Progress (2013- 2017)

- Fire sector organizations continued to raise competency issues
- Government maintained position that regulation was unnecessary
- Limited progress made in improving standards through voluntary measures
- No substantial changes to guidance or regulations before Grenfell Tower fire

Identification of Key Failures

- Lack of regulation
- Inadequate guidance:
- Overreliance on Industry:
- Ignoring warnings:
- Deregulation agenda:
- Insufficient response to Coroner:
- Lack of clarity on stay put policies:

Conclusions

- High level systemic failures
- Inadequate guidance
- Deregulation and self regulation failures
- Avoidance of regulatory burdens
- Competency gaps
- Lakanal

Recommendations

Fire Risk Assessors

- A mandatory accreditation to certify the competence
- Standards for qualification and continuing professional development

Recommendations

Fire Safety Engineer

- Create a body of registered fire engineers capable of contributing to safe building design and delivery
- Establish an authoritative statement of skills expected from fire engineers
- The profession of fire engineer be recognised and protected by law and that an independent body be established to regulate the profession, define the standards required for membership, maintain a register of members and regulate their conduct.

Grenfell Tower Inquiry:
Regulatory Reform (Fire Safety) Order 2005

What am I going to cover?



One responsible person, or two?

✓ Law In Force

3. Meaning of “responsible person”

In this Order “responsible person” means—

- (a) in relation to a workplace, the employer, if the workplace is to any extent under his control;
- (b) in relation to any premises not falling within paragraph (a)—
 - (i) the person who has control of the premises (as occupier or otherwise) in connection with the carrying on by him of a trade, business or other undertaking (for profit or not); or
 - (ii) the owner, where the person in control of the premises does not have control in connection with the carrying on by that person of a trade, business or other undertaking.

What is the extent of the duty?

✓ Law In Force

5.— Duties under this Order

(1) Where the premises are a workplace, the responsible person must ensure that any duty imposed by [articles 8 to 22B]¹ or by regulations made under article 24 is complied with in respect of those premises.

(2) Where the premises are not a workplace, the responsible person must ensure that any duty imposed by [articles 8 to 22B]¹ or by regulations made under article 24 is complied with in respect of those premises, so far as the requirements relate to matters within his control.

(3) Any duty imposed by [articles 8 to 22B]¹ or by regulations made under article 24 on the responsible person in respect of premises shall also be imposed on every person, other than the responsible person referred to in paragraphs (1) and (2), who has, to any extent, control of those premises so far as the requirements relate to matters within his control.

(4) Where a person has, by virtue of any contract or tenancy, an obligation of any extent in relation to—

- (a) the maintenance or repair of any premises, including anything in or on premises; or
- (b) the safety of any premises,

that person is to be treated, for the purposes of paragraph (3), as being a person who has control of the premises to the extent that his obligation so extends.

(5) [Articles 8 to 22B]¹ and any regulations made under article 24 only require the taking or observance of general fire precautions in respect of relevant persons.

The key issue...

CONTROL

“RBKC contended that ... the responsible person ... had been the TMO, although it accepted that it had itself fallen within the scope of Article 5(3) ... RBKC’s position was based on the proposition that, as a matter of law, the Fire Safety Order seeks to identify a single responsible person for each premise. We do not need to resolve that question, however, because RBKC was either the responsible person ... or a person to whom article 5(3) applied, as it recognised in its opening statement, and was therefore subject to the same duties.”

Phase 2 Report, Volume 3, para 35.4

Questions?

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