THE GRENFELL TOWER FIRE: BACKGROUND TO AN ATROCITY

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The Grenfell Tower fire on 14 June 2017 was one of the most appalling tragedies of recent times and one which I and others have described as an atrocity. This is the worst fire in terms of fire deaths within living memory in the UK. Police announced in November 2017 that 71 victims had been formally identified and that they believed all those who died had been recovered. Since then there has been a further death related to the fire. The fact that this appalling incident happened in one of the richest boroughs in the capital city of one of the richest countries in the world only increases the horror with which Grenfell should be viewed.

These deaths did not occur as a result of war or terrorism. Indeed had that been the case, we are likely to have seen more urgent and immediate action by central government. No, these deaths resulted from what started as a domestic fire, the sort of event that happens every day in the UK. A domestic fire is a terrible event for those concerned but it can normally be contained: firefighters regularly fight fires in blocks of flats and other residential properties. So there are huge questions about how what started in this way became such an immense horror. Perhaps above all, it remains utterly shocking that hundreds of buildings have been deliberately wrapped in dangerous flammable material. We need to examine the regime – the systems of regulations, inspection and enforcement – which allowed this to happen. And we need to examine who allowed those systems of rules and regulations to come into place: these were political decisions.

The FBU is immensely proud of our members – firefighters, officers and emergency control staff – who did everything possible to save lives during the Grenfell Tower fire. We will not rest until those who were negligent and culpable for the fire have been brought to justice. The FBU is participating in the public inquiry and various other government and fire service investigations to work out what went wrong and what lessons can be learned.

Others, including politicians at national level, have also praised firefighters for their role that night. Unfortunately, the same politicians dismiss the concerns raised by firefighters over matters that are directly relevant to what happened at Grenfell Tower. This pamphlet sets out what has happened to the regime covering fire safety and the fire and rescue service. It shows a pattern of deregulation and fragmentation over four decades. On many occasions the FBU and others highlighted safety
concerns about this trend. We were ignored. Indeed, as we show in these pages, our direct warnings about flammable cladding were ignored.

The FBU wants a wide ranging inquiry into the Grenfell Tower fire, encompassing the longstanding deregulation agenda, the whole fire and rescue service and social housing, as the victims and residents have also demanded. We want to ensure ministers and those at the top of government are held to account. However the terms of reference for the public inquiry chaired by Martin Moore-Bick are too narrow, seeking to avoid key political questions of deregulation and the culpability of Westminster, as well as concentrating on the London Fire Brigade instead of the wider fire and rescue service.

The FBU believes that the advice given to, and actions taken by, government ministers must be thoroughly examined. Central government has created the regulatory regimes for housing and for fire safety and central government must be held to account for any failings in them. We cannot allow the blame to be placed everywhere else but Whitehall.

Firefighters across the UK know that an incident like the Grenfell Tower fire could have happened in other parts of the UK. Indeed our assessment is that such an incident could have produced far worse results outside London. More than 300 high rise buildings across England may not be fire safe, according to recent audits.

Therefore the FBU is publishing this booklet to examine the fire related background issues more deeply. We are the democratic, professional voice of firefighters and other workers within fire and rescue services across the UK. We represent the vast majority of wholetime (full-time) and retained (part-time, on-call) operational firefighters and control staff in the UK. Our organisation obviously seeks to improve terms, conditions and safety for our members but we also have a long history of fighting for improvements in wider public safety. This has included campaigning in the 1960s and 1970s for legislation to improve fire safety in the workplace, a long fought battle in the 1980s to win legislation covering flammable foam in domestic furniture and, as this document shows, a unique record of highlighting failings in the wider safety regime – including alerting authorities to dangers relating to flammable cladding on buildings.

The FBU believes the deregulation agenda that has dominated public services over the last four decades contributed to the Grenfell Tower fire. The fire safety regime established by central government failed and should be changed completely and fundamentally. Tenants, residents and the voices of local communities need to be
treated with respect and listened to. The fire and rescue service has to implement the lessons from other fatalities and major incidents, including those at tower blocks. There need to be national standards and national consultation – especially with the FBU – the voice of those on the frontline. There must be investment in our service, not more cuts that have already reduced the number of firefighters by a fifth since 2010.

All these matters need to be discussed publicly. The FBU is fully committed to ensuring our communities are safe from fire and other hazards. We support campaigns for justice for the victims and residents of Grenfell Tower and for the wider local community. If we are to genuinely pay tribute to those who died, we must fundamentally change the ways in which these issues are dealt with in the future.
## CONTENTS

1. Introduction.............................................................................................................................................. 7
2. How the fire and rescue service was deregulated............................................................. 8
3. Warnings about cladding..............................................................................................................11
4. Failings with fire and rescue service legislation ......................................................................14
5. Deregulation and austerity since 2010.................................................................................. 18
6. Tower block fires – lessons ignored........................................................................................23
7. Firefighter fatalities – lessons ignored....................................................................................30
8. Since the Grenfell Tower fire........................................................................................................ 36
9. Conclusions.......................................................................................................................................... 41

Appendix 1: Glossary of key terms..................................................................................................... 43
Appendix 2: FBU sprinkler policy......................................................................................................... 45
Appendix 3: Ministers for fire at Westminster since 1997 .....................................................49
1. INTRODUCTION

The Grenfell Tower fire on 14 June 2017 was an appalling and horrifying tragedy that never should have happened. More people were killed than at any fire within living memory in the UK. Police announced in November 2017 that 71 victims had been formally identified and that they believed all those who died had been recovered. Since then there has been a further death related to the fire, bringing the total to 72. Firefighters stand in solidarity with the people affected and will do everything to help the community recover after this terrible fire.

It is too early to assess the operational response to the incident. However firefighters responded very professionally in an extraordinarily difficult situation. The London Fire Brigade (LFB) was first called early on Wednesday 14 June about a fire in the Grenfell Tower block. At the height of the incident, at least 60 fire appliances and 250 firefighters were on scene.

The Grenfell Tower fire is now the subject of a public inquiry, chaired by the retired judge Martin Moore-Bick. The Westminster government has also appointed Judith Hackitt to examine the building regulations and guidance in light of the fire. The prime minister appointed Ken Knight, the former chief fire and rescue adviser in England to advise on immediate fire safety. The FBU will intervene in all of these matters to defend our communities and the firefighters that serve them. However the union does not believe the current public inquiry or other arrangements put in place by central government will get to the bottom of why such a fire could happen with such devastating consequences.

Holding central government, including ministers and departments, to account should be a major objective of any inquiry into the Grenfell Tower fire. The FBU wants to examine the role of various bodies, organisations and agencies in creating the fire safety regime that failed at Grenfell Tower. This must include central government and its various professional advisors, including the Chief Fire Officers Association (CFOA), the National Fire Chiefs Council (NFCC), Chief Fire and Rescue Advisers (CFRA), as well as local councils and their representatives, such as the Local Government Association (LGA). The role and decision making of various government ministers over recent decades should be at the heart of any genuine examination of what went wrong.
2. HOW THE FIRE AND RESCUE SERVICE WAS DEREGULATED

The FBU believes it is necessary to take the long view in understanding how the current fire safety regime has evolved and where the flaws originated.

The modern fire and rescue service in the UK was established by the Fire Services Act 1947, which set an overarching national framework for fire safety, whilst the service remained locally managed. In particular the creation of the Central Fire Brigades Advisory Council (CFBAC) provided government and the fire service with a forum for genuine improvement on all fire matters, including fire safety, research, training, equipment, firefighting operational procedures and personal protective equipment (PPE).

The FBU strongly supported the development of fire prevention and fire safety throughout the post-war period. The union’s vision document, A Service for the Sixties (1960) argued that:

The service ought to be engaged on the following line of development: The abandonment of routine chores which now occupy the largest proportion of a fireman’s [sic] duty period; their replacement by fire inspections, public educational duties on fire hazards, the extension of fire prevention duties to the lower ranks, in conjunction with expanded fire prevention departments which, taking over responsibilities under the new Factories Act, should control all public security measures concerned with fire dangers as a whole.¹

Fire safety legislation at this time was generally made in response to particularly serious fires:

- The Factories Act 1961 resulted from a fire in a factory at Eastwood Mills, Keighley, Yorkshire in 1956 where eight deaths occurred.
- The Offices, Shops and Railway Premises Act 1963 resulted from a fire at Hendersons Store, Liverpool in 1960 where eleven deaths occurred.
- The Licensing Act 1964 resulted from a fire at the Top Storey Club, Bolton in 1961 where nineteen deaths occurred.

Throughout this period, the FBU, as the professional voice of those on the frontline, consistently argued for central government and the fire and rescue service to take a more pro-active approach.
The FBU strongly supported the Holroyd Committee, which produced the Report of the Departmental Committee on the Fire Service (1970). The FBU supported some key conclusions from the Holroyd report:

383: Only men [sic] with operational firefighting experience and knowledge and experience of fire should be used for enforcing fire prevention legislation in premises when they have been occupied.
We recommend that fire authorities, using their fire brigades for this purpose, should be responsible for enforcing all such legislation…
384: We recommend that it should be the mandatory duty of the building regulations authority in England and Wales and in Scotland, where it is not also the fire authority, to consult the fire authority before approving plans of new or altered buildings, so that the fire brigade’s views may be taken into account.2

The FBU gave strong backing to the Fire Precautions Act 1971, which was implemented after an increasing number of serious hotel fires and the James Watt Street warehouse fire in Glasgow in 1968. The Act combined earlier legislation on most factories, offices, shops and railway premises and was extended to hotels and boarding houses. Giving fire services the power to issue fire certificates helped ensure compliance with the law. It was designed to tackle fire risks in existing buildings, while the Building Regulations were to tackle safety in new buildings. The Health and Safety at Work Act 1974 was also significant in imposing duties on all employers for safety matters, including fire.

THE BEGINNING OF DEREGULATION

These broad, progressive developments in fire safety regulation, which the FBU had campaigned for and supported, came under attack at the end of the 1970s. The Home Office Review and Fire Policy (1980) and the subsequent Green Paper, Future Fire Policy (1980) began a process of undermining fire safety regulation, reducing fire cover in terms of attendance standards and cutting funding to the fire and rescue service that has continued ever since. The change of direction towards cuts, even if this meant more deaths, injuries and property damage, was politely dressed up in the following paragraph:

1074: there may be over provision which may enable judicious reductions to be made which would not result in an unacceptable increase in property loss or casualties (our emphasis).3
During the 1980s and 1990s attempts to deregulate fire safety included the review of fire cover, discussions on scrapping the Fire Precautions Act, the part-privatisation of local authority building control, the Audit Commission paper, *Value for Money in the Fire Service* (1986) and the Audit Commission report, *In the Line of Fire* (1995). The FBU supported staff responsible for local authority building inspection and approval, including their campaign “This Bill Will Kill”. Trade unionists pointed out that the contracting out could lead to a disaster, like the one at the Summerland resort in 1974 (see chapter 3).4

In January 1994, Michael Heseltine, minister for trade and industry announced a government review to find ways of ‘simplifying’ fire safety legislation and its enforcement. The department also issued publications such as *Deregulation – Cutting Red Tape* and *Deregulation Task Forces Proposals for Reform*. The latter included proposals to repeal local acts of parliament insofar as they affected the design of buildings, a bar against future such legislation and the repeal of the Fire Precautions Act. The FBU opposed these deregulatory proposals, calling them a “consultant’s charter”. The union also argued that homes in multiple occupation (HMOs) should be designated under the Fire Precautions Act, with owners obliged to consult with fire authorities on fire safety matters.5

These deregulatory efforts continued under the Blair and Brown administrations, notably with the Bain review (2002), the Fire and Rescue Services Act 2004, (which abolished national standards of fire cover and the CFBAC), and the Regulatory Reform (Fire Safety) Order 2005, which removed the fire certification process and enabled a weaker regime of enforcement by fire authorities. The same process saw the abolition of the fire service inspectorate and the national recruitment and promotion standards. The result has been an increasingly fragmented fire and rescue service applying different standards and response models to identical or similar risks. Since 2010, further moves by successive governments to cut “red tape”, water down the National Framework and implement savage cuts of over 30% to central funding of fire and rescue services have further undermined local and national resilience.

This is the context within which central government has failed to improve fire safety, where inquiries, inquests and investigations have been ignored, where government-funded fire research has virtually ceased and as a result, lessons learned decades ago have been forgotten and tragedies have occurred with devastating effect. The following chapters highlight the systemic pattern of failure that lies behind the fire safety regime in place at the time of the Grenfell Tower fire.
3. WARNINGS ABOUT CLADDING

The Grenfell Tower fire was not the first major fire in the UK where cladding was implicated. In 1973 the Summerland Leisure Centre fire in Douglas on the Isle of Man killed fifty people and injured 80. Investigators pointed to the role of external cladding in fire spread. The lessons of the Summerland fire were discussed by the CFBAC at the time. After the investigation, FBU general secretary Terry Parry praised Lord Canley’s report into the incident, underlining “the vital importance of someone being in charge from the outset of designing a building of this kind, for that person to be named, to take the major decisions and to be known to be taking those decisions.” Parry also highlighted the need for “firm, close liaison from the commencement of a project right through until occupancy between fire officers, architects, building surveyors, planners and all other interested parties”.6

In 1991 at Knowsley Heights, Merseyside, a rubbish fire spread to all 11 floors through a cavity between the tower’s outer wall and the recently installed rain screen cladding. Although serious damage was done to the building, no one was injured. The Building Research Establishment (BRE) found that the cladding fitted around Knowsley Heights was of the limited-combustibility variety. However there were no fire breaks in the gap between the cladding and the walls, which facilitated the fire to spread quickly upwards.

On 11 June 1999, a fire at the Garnock Court, a 14-storey block of flats in North Ayrshire led to the death of William Linton and injured five others. Cladding was a significant factor in the fire spread. As a result the Building (Scotland) Regulations 2004 imposed the mandatory regulation:

2.7 Every building must be designed and constructed in such a way that in the event of an outbreak of fire within the building, or from an external source, the spread of fire on the external walls of the building is inhibited.7

In England, the House of Commons Select Committee on Environment, Transport and Regional Affairs conducted an investigation, but the regulations were not strengthened as they were in Scotland. The FBU submitted a memorandum to the committee and the FBU fire safety adviser Glyn Evans gave oral testimony to the committee. Viewed in light of the Grenfell Tower fire, the FBU memorandum stands as a stark and prescient warning. It stated:
2.2 The primary risk therefore of a cladding system is that of providing a vehicle for assisting uncontrolled fire spread up the outer face of the building, with the strong possibility of the fire re-entering the building at higher levels via windows or other unprotected areas in the face of the building. This in turn poses a threat to the life safety of the residents above the fire floor.

The submission noted that fires involving fire spread via external cladding had occurred before, notably the Summerland tragedy. The risks arising from the application of external cladding systems to buildings were known to politicians, to senior civil servants and to chief fire officers many years before the Grenfell disaster. The FBU memorandum to MPs concluded:

2.11 It is for these reasons that we believe that all cladding used on multi-storey buildings over 25 metres in height and the fixing systems should be completely non-combustible, or achieve a fire resisting standard equivalent to the external walls.8

These points were reiterated during the oral testimony. Asked by Tom Brake MP about whether the risk was great enough to warrant local authorities conducting a survey of external cladding systems, Evans replied: “We certainly feel it would be worth local authorities conducting an inspection of their existing systems to find out just what they have got pinned on the walls of their buildings”. Evans also made it clear that cladding had not been discussed as part of revisions to Approved Document B of the Building Regulations, which were reviewed at the time.9

The Select Committee report made a number of recommendations that are pertinent to the Grenfell Tower fire:

20 We therefore recommend that compliance with the standards set in the Test for assessing the fire performance of external cladding systems, which has been submitted to the British Standards Institution for adoption as a British Standard, be substituted in Approved Document B for previous requirements relating to the fire safety of external cladding systems...

22 We recommend that DETR and the Housing Corporation instruct local authorities and Registered Social Landlords to undertake a review of their existing building stock with a view to ascertaining how many multi-storey buildings are currently using external cladding systems; and how many cladding systems are in use which, whilst complying with the regulations in force at the time when they were installed, do not comply with current Regulations. Competent fire safety assessors should then be called in to
evaluate what work may be necessary to ensure that no undue risk is posed by any of these systems, with particular reference to the lessons learnt from the fires at Knowsley Heights and Garnock Court. Local authorities and Registered Social Landlords should also be instructed to monitor existing cladding systems carefully to ensure that the materials from which they are constructed do not degrade over time and become less resistant to flame spread than they were at the time of construction...

23 Approved Document B should make it clear that any addition to the outside of a building which has the potential to lessen its resistance to external fire spread is subject to the Building Regulations and therefore to the guidance contained within that document.¹⁰
4. FAILINGS WITH FIRE AND RESCUE SERVICE LEGISLATION

The FBU has long advocated robust regulation to underpin the fire and rescue service across the UK. However so-called “modernisation” backed by all the major political parties at the turn of the century led to the fragmentation of the fire and rescue service, adversely affected the operational effectiveness of the service to the detriment of the safety of both the public and of and firefighters. Any inquiry into the Grenfell Tower fire has to take into account the legislative framework and how it has evolved.

THE FIRE AND RESCUE SERVICES ACT 2004

The Fire and Rescue Services Act 2004 (and the equivalent legislation covering Scotland, Wales and Northern Ireland) replaced the Fire Services Act 1947 as the central piece of legislation governing fire and rescue authorities across the UK. The Act abolished national standards of fire cover, allowing local services to set attendance targets for their own areas that could vary from those in neighbouring fire service areas. The Act also abolished the CFBAC, the main national forum where research, fire prevention and other matters could be discussed between the fire and rescue service, ministers and civil servants. (The Westminster government also scrapped the non-statutory Fire Safety Advisory Board that sat between 2000 and 2003).

The House of Commons Select Committee on Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions held a consultation before the legislation came into force. The FBU submitted a memorandum, which stated:

Whilst supporting the new risk-based approach the FBU believes that there should be a national risk-based standard and national Fire Service Strategy policy to replace the 1985 Standard. This approach was pioneered by the “Fire Cover Review” 2002. This is required to ensure that both public and staff are protected and that the Service doesn’t degenerate into a Post Code lottery. Such a national standard should have as its centre the target of zero fire deaths…

The FBU regrets the Government’s intention to disband the CFBAC and replace it with a number of bodies, from most of which staff representatives are to be excluded. Neither do we understand why the membership of these new bodies needs to be mutually exclusive.11
National standards of fire cover, which were laid down in 1936, 1958 and 1985, effectively set measurable targets for the fire and rescue service to achieve in terms of the time taken for fire appliances sent as part of the pre-planned initial response (known as the pre-determined attendance – PDA) to an emergency incident. The FBU opposed the abolition of national standards of fire cover and believes this has led to a poorer service for the public, including slower response times to incidents and fewer firefighters at the crucial early stages of incidents.

The FBU was also disappointed that the government abandoned the Pathfinder trials, which involved worst case planning scenarios for a range of emergencies using various approaches, including practical testing (task analysis) by fire crews of the various scenarios identified. Although the FBU raised concerns about the software and the limited range of incidents covered, the trials were a significant attempt to assess the risks and to understand how many firefighters were needed, and when, in order to successfully tackle a range of incidents safely, professionally and effectively based on the best practice as identified in agreed operational procedures. The FBU subsequently carried out work on critical attendance standards (CAST) using the methodology from the trials. The first CAST scenario involved a fire in a multi-occupancy high rise dwelling. For example, the CAST assessment at the time found that a minimum of 13 firefighters would be needed as part of the initial response.12

The FBU believes this work was an important starting point for assessing the risks of certain fires. However such an approach today would have to take into consideration other types of emergency activity and make amendments taking account of additional risks for high rise blocks, such as from new materials (including cladding), alternations to buildings that may have affected compartmentation, as well as new equipment and changes to incident command systems and procedures. This would be necessary before making recommendations on the numbers of firefighters, appliances and equipment needed to carry out interventions. Central government and local fire and rescue services should be developing robust time-based task analyses in consultation with its professional workforce and their representatives.

THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005

The Regulatory Reform (Fire Safety) Order 2005 covers general fire safety in England and Wales. In Scotland, general fire safety is covered by the Fire (Scotland) Act 2005 and the Fire Safety (Scotland) Regulations 2006. In Northern Ireland, fire safety law is
covered by the Fire and Rescue Services (Northern Ireland) Order 2006 and The Fire Safety Regulations (Northern Ireland) 2010.

The Regulatory Reform (Fire Safety) Order 2005 replaced the Fire Precautions Act in England and Wales. The legislation was intended to bring together a wide range of fire safety law, a proposal widely welcomed by the fire and rescue service. The FBU promoted a Fire Safety Bill, which was first proposed on 11 December 1996 by John Heppell MP in the House of Commons. However the union was concerned about some of the specific provisions in the new legislation when it took the form of regulatory reform order.

The House of Commons Regulatory Reform Committee carried out an investigation of the proposed legislation before it reached the statute book. The FBU submitted a memorandum and gave oral testimony to the committee. The memorandum was supportive of the principle of consolidating fire safety legislation but warned:

2.2 However, simply placing a duty to enforce the Order without providing either a duty to carry out inspections, or to develop an enforcement programme to do so, is not sufficient in our opinion to preserve the current level of public safety or equal the current requirements of the Fire Precautions Act 1971 insofar as it relates to the issue of fire certificates.

The committee’s report acknowledged the FBU’s concern that “the proposed Order was deficient in that it provided for a duty to enforce the Order without placing a duty on fire authorities to carry out inspections or to develop an enforcement programme to do so”. It also noted the union’s view that it was a mistake to grant exemptions from fire certification because “without demonstrable measures of inspection and enforcement, public confidence in fire safety procedures might be jeopardised”. Glyn Evans told the committee of concerns about the likely repeal of certification procedures and the critical importance of enforcement.

The FBU continued to raise concerns with the ODPM about the transitional arrangements for handling fire certificates. The union wrote to the minister Nick Raynsford MP on 1 March 2005, criticising advice provided by CFOA.

In 2006, the House of Commons ODPM Housing, Planning, Local Government and the Regions Committee returned to the issue of fire safety after the Order had passed through the Westminster parliament (but before it came into force). The FBU’s memorandum to the committee underlined our concerns about enforcement and the absence of national stakeholder oversight. The memorandum stated:
2.(a)2 There needs to be clear and strong guidance on the enforcement of the Regulatory Reform (Fire Safety) Order 2005… to ensure the enforcement activities of fire and rescue authorities are properly carried out. We see little or no evidence that this will in fact be the case or that any targets are being set for them to do so. We have significant concerns over the near-ending in some brigades of the fire certification regime. The running down of this regime predates even the introduction of the Order to the House.

2.(a)3 There needs to be a meaningful review of the stakeholder consultation process. In its haste to rid itself of the national committee structure covered by the Central Fire Brigades Advisory Council, the ODPM had little or no idea of what it would do to replace the functions that the CFBAC covered, including the creation of policy documents that all organisations were signed up to. The national structure no longer exists leading to disputes which are breaking out across the fire and rescue services in England.17

Matt Wrack, FBU general secretary also gave oral testimony to the ODPM committee. He raised concerns about the abolition of national standards and the limits of integrated risk management plans, which allowed for different levels of response. He illustrated the point with reference to tower block fires:

“Since the introduction of local integrated risk management plans there are no national standards. We are concerned that you could end up, and are increasingly ending up, with effectively a postcode lottery. We do not see why, if you have a fire in a tower block in Birmingham, you should get a different standard of response than if you have a fire in a tower block in London. Unfortunately, because of IRMP, at the present time that is perfectly possible.”18

Again, in light of the Grenfell Tower, these warnings were prescient. The FBU takes no pleasure from this. But politicians were told and they did not listen.
The change of government in 2010 was a watershed in two significant respects for the fire and rescue service across the UK. First, the coalition government immediately began to implement a further deregulatory agenda, including policies such as the Red Tape Challenge and “one in, two out” for new regulations. Under the one-in, two-out rule, government departments were instructed to find savings worth double the cost of any new regulations on business. Regarding the fire and rescue service, this was articulated by fire minister Bob Neill MP soon after his appointment, when he addressed the FIRE conference in Harrogate, 29-30 June 2010. He stated:

“We will not be moving back to prescriptive national standards. The Integrated Risk Management Plan process is already established and provides a sound basis to allow for the provision of local services driven by the local agenda and based on local risks and the need of the local community…

“Should we be looking to regulate further? ‘No’ would be my answer. We must move away from the view that the only way to solve problems is to regulate.”

Neill also told an All-Party Parliamentary Fire Safety and Rescue Group seminar, 9 May 2011 that the Fire Safety Order was effective, “well received by many in the business community” and proportionate. He added:

“This represents a significant culture change for the Fire and Rescue Service in particular, who are required – especially in these challenging economic times – to actively support business to achieve compliance, and to use their enforcement powers proportionately.

“The evidence we have suggests that with less than five per cent of audit visits since the Order was introduced resulting in an enforcement notice, the FRS is responding well to this challenge.”

Neill was due to speak at the Housing Sector National Forum on 16 June 2011, but was unable to attend. Nevertheless the text of his speech was published on the DCLG website and read out to the gathering. He referred to safety in multi-occupied residential buildings and then stated:

“Over the years, regulations – and the inspections and bureaucracy that go with them – have piled up and up. This has hurt business, imposing real burdens and doing real damage to our economy.”
“Reducing the number of rules and regulations is therefore absolutely central to the Coalition Government’s vision for Britain, removing barriers to economic growth and increasing individual freedoms. We have given a clear commitment that where regulation cannot be justified, we will remove it.”

The second element that began in 2010 and has continued relentlessly ever since has been the reductions in central Westminster funding to local fire and rescue authorities, and the consequent reduction in frontline firefighter jobs, including the loss of an unprecedented number of specialist fire safety posts (see Chapter 8). Although this has affected different parts of the UK in different ways and at differing pace, all fire and rescue services have experienced this unprecedented downward pressure on finances. Challenged about this in 2011, Neill misspoke, describing IRMPs as “integrated resource management plans” rather than risk plans, and that it was not for central government to “micro-manage” local fire authorities.

The issue was briefly examined at the CLG Committee in July 2012, when it took oral evidence from principal fire officers, the fire minister and chief fire adviser. Unfortunately, when asked by Simon Danczuk MP about whether in the worst case cuts would cost lives, the senior fire officers did not articulate adequately the risks posed by further cuts.

KEN KNIGHT’S REVIEW

Brandon Lewis MP replaced Neill as fire minister in September 2012. Lewis held that position until July 2014, when he became minister of state for housing and planning at DCLG until July 2016. (Lewis was again fire minister when responsibility for fire moved to the Home Office in January 2017 until the general election in June 2017). Early in his tenure, Lewis asked the retiring chief fire and rescue adviser Ken Knight to carry out an efficiencies review of the fire and rescue service in England. In May 2013 Knight published the report.

Knight’s review was not primarily concerned with how fire and rescue services can protect communities, but rather with saving money through a variety of untested suggestions, including substituting retained (part time or on call firefighters) firefighters for wholetime crews. Although Knight did not discuss fire safety in great detail, he supported the use of non-operational “Green Book” staff to conduct regulatory fire safety work such as audits and inspections. He appeared to welcome the use of independent fire risk assessors and while concerned about consistency, seemed to blame this on the training of existing fire safety officers.
The FBU was highly critical of Knight’s report, regarding it as a fig leaf for further cuts to the fire and rescue service. The union’s response emphasised the absence of a national fire risk assessment to fully measure the resilience of the service in the face of multiple hazards (including flooding and terrorist attacks), as well as the real impact of cuts on firefighter jobs.25

The House of Commons CLG committee conducted a brief investigation of the review, collecting written evidence and some oral testimony. The FBU made a written submission and Matt Wrack gave evidence on 9 September 2013, explaining the impact of cuts on national resilience. He also emphasised the failure to learn lessons from fires and fire deaths (particularly in the absence of a body such as the CFBAC):

“Our view is that there is evidence that fire services are not learning lessons from earlier tragedies and that we have coroners identifying, in some of those cases, that precisely the same point that has been made in a previous coroner’s inquest is now being made in a subsequent coroner’s inquest. I think alarm bells should be raised in the fire and rescue service about that matter. We need a proper, thorough-going debate around that, and an inspectorate is a very valid part of that process that we would want to see come out of that.”26

NATIONAL AUDIT OFFICE REPORT 2015

The National Audit Office (NAO) report, Financial sustainability of fire and rescue services and related reports (November 2015), contained a wide range of valuable insights into the state of the fire and rescue service in England. Between 2010-11 and 2015-16, the NAO estimated that central funding to local fire and rescue services went down by an average of 28% in real terms. The NAO also found variation between different fire and rescue authorities, with reductions between 26% and 39% over that period.27

Under Section 25 of the Fire and Rescue Services Act, ministers are meant to provide the Westminster parliament with a biennial report on how well fire and rescue authorities are meeting their statutory responsibilities. The NAO pointed out the paucity of the “Section 25” report and how far these reports have withered, given the original motivation for them. The Westminster government’s written statement a year before the NAO investigation and the accompanying report on fire and rescue authorities’ progress with the Fire and Rescue National Framework for England consisted of
The secretary of state Eric Pickles MP relied heavily on the Knight review, which the NAO report showed was misconceived in places. The FBU believes that this shows that oversight of the fire and rescue service was lacklustre for a number of years before the Grenfell Tower fire.

**GOVERNMENT OPPOSITION TO REGULATION**

Fire ministers have been asked regularly in recent years about implementing improvements in fire safety regulation and guidance, in order to better protect communities from fire. However ministers have consistently opposed further regulation and instead have argued to reduce the so-called “burden” of regulation on business. Soon after the coalition government was formed, prime minister David Cameron announced the “Red Tape Challenge” intended to reduce the number of regulations across a wide range of industries.

These general government policies had direct implications for the fire sector. Fire minister Brandon Lewis told the CFOA conference in September 2012:

“I firmly believe that businesses have the right to expect that those enforcing regulatory compliance do so in accordance with the fundamental principles of better regulation. I know that CFOA are keen to address shortcomings in this area and to lead work at the local level to develop fire safety audit and enforcement responsibilities to reflect more closely the aspirations that businesses have. Essentially, this means for helpful, proportionate and consistent advice on compliance.”

In December 2012, Communities secretary Eric Pickles announced the repeal of sections of various local building acts, including sections 20 and 21 of the London Building (Amendment) Act 1939. The latter repeal was opposed by the London Fire Brigade and criticised by safety professionals.

In 2012, Brandon Lewis was asked about new laws in Wales about installing sprinklers in new domestic premises. He said “we’re not looking at legislating on this at the moment… legislating and creating more regulation is probably not the right answer”. At the LGA fire conference in March 2013 he said that “the part sprinklers play in any fire safety strategy should be determined by the findings of the owner or occupier’s assessment of risk – not blanket regulation”. He added “there are many good things we can collectively do to prevent fire deaths without the blunt tool of regulation”.
On 6 February 2014 a Westminster Hall debate was held to mark the first national Fire Sprinkler Week. Brandon Lewis spoke in the debate, supporting the use of fire sprinklers. However he also stated:

“We believe that it is the responsibility of the fire industry, rather than the Government, to market fire sprinkler systems effectively and to encourage their wider installation… The cost of fitting a fire sprinkler system may affect house building – something we want to encourage – so we must wait to see what impact that regulation has.”

In July 2015, the Westminster government published its productivity plan setting out the government blueprint for improving productivity in the UK. A key element of this plan is reducing the burden of regulation. The blueprint pledged to “reduce the cost of regulation on industry by £10 billion in this parliament”, a matter picked up by the English chief fire and rescue advisor Peter Holland as having implications for the sector.

The FBU warned in its *Sounding the Alarm* report (2014) that continued cuts and deregulation would damage the service. Matt Wrack said:

“The fire and rescue service has reached a crisis point in its history. The next five years will determine what kind of service it will be for decades to come: either a first-class, professional fire and rescue service; or an increasingly threadbare, fragmented and piecemeal sticking plaster.”
6. TOWER BLOCK FIRES – LESSONS IGNORED

Across the UK, central government agencies, fire authorities and the FBU have had to investigate major tower block fires in the recent past, particularly when these have led to deaths involving members of the public and firefighters. There have also been various fires around the world involving buildings with external cladding, but these have not been assessed by central government bodies as they would have been in the past. Leading fire service professionals would have been aware of these incidents through their international contacts and through the various conferences and visits they participate in. Yet the catalogue of repeated failures suggests no government bodies have taken responsibility to disseminate the lessons learned. Nor have those with responsibility within the fire and rescue service such as ministerial chief fire and rescue advisors, chief fire officers or their representatives.

GLASGOW, STRATHCLYDE 2003

Health and Safety Executive (HSE) inspectors issued Strathclyde fire brigade with an improvement notice after a fire on the 21st floor of a tower block in Glasgow in November 2003. The fire involved the rescue of an adult and a child from the building. However two firefighters were injured when a lift malfunctioned and filled with smoke.

HSE said the brigade had failed to ensure firefighters safety at the incident. Firefighters followed the normal procedure and intended to take the lift to the floor below the fire, but arrived at the floor where the fire was instead. John Cairns, Strathclyde FBU chair at the time told the media that the emergency workers almost died after being overcome by smoke.

He said: “It was a very serious fire and the closest we have come to losing firefighters for a number of years. We have been in consultation with the brigade about this and practices must be looked at to make sure that this never happens again.”
HARROW COURT, HERTFORDSHIRE 2005

In the early hours of 2 February 2005 a fire occurred in flat 85 Harrow Court, situated on the 14th floor of a 17 storey residential tower block in Stevenage, Hertfordshire. Two firefighters (Michael Miller and Jeff Wornham) and one occupant (Natalie Close) were killed at this incident during an event of abnormal rapid fire development.

The FBU investigation concluded that “the conduct of Hertfordshire Fire and Rescue Service (HFRS) significantly contributed to the deaths” because it had failed to comply satisfactorily with relevant fire and health and safety legislation and guidance. The FBU also said that Stevenage Borough Council may have contributed to the deaths because they failed to undertake a review of the smoke alarm installations.

Key FBU recommendations included:

27. That HFRS should ensure that all their firefighters receive regular training and monitoring in all aspects of High Rise procedures, and ensure that the initial crews take the correct equipment up to the bridgehead; this could be achieved by the introduction of a High Rise Pack containing all of the equipment recommended in the policy document.

29. That HFRS should provide additional resources to enable their fire safety department to immediately carry out a risk based inspection programme within the county of Hertfordshire, starting with high rise residential buildings.

31. That HFRS should reintroduce the practice of regular inspections of all high rise buildings…

32. That HFRS actively enforce Article 38 of the Fire Safety Order (when implemented) to ensure that the passive and active fire safety measures incorporated into the building for the protection of fire fighters are present and effectively maintained.

47. That HFRS should immediately revise its High Rise Incidents procedures taking into account the final outcomes from this particular investigation, and that of the Petershill Court, Glasgow fire…

52. The HFRS IRMP should be revised to ensure that the service’s intervention capability is sufficiently robust enough to ensure that the weight and speed of response, delivers sufficient firefighters and operational equipment on the initial attendance to enable their High Rise procedures to be implemented in full from the very start of every incident.
The FBU report also made crucial recommendations to the CLG, including:

16. The issue of creating a national (England and Wales) fire and rescue service standard operating procedure for firefighting in high rise residential buildings which aligns with the guidance for the fire safety design strategies in such buildings that is contained in Approved Document Part B and other British Standards needs to be addressed at a national level. This work needs to be carried out urgently.

17. We are aware that there is a current review being undertaken by the Buildings Division of the Department for Communities and Local Government (DCLG – formerly ODPM) of Approved Document Part B – Fire Safety 2000 (ADB), we believe that in light of the incident at Harrow Court in Stevenage that paragraph 18.12 of Section B5 – Access to Buildings for Fire-fighting Personnel should be withdrawn and in all new high rise apartment buildings in excess of 18m in height the staircase enclosures should be designed and constructed as firefighting shafts and each firefighting shaft should incorporate a firefighting lift and a rising main facility within the firefighting lobby between the staircase and the accommodation...

46. That DCLG should immediately revise the ‘High Rise Incidents’ Generic Risk Assessment GRA 3.2 taking into account the final outcomes from this particular investigation, and that of the Petershill Court, Glasgow fire which resulted in Strathclyde FRS receiving an improvement notice dated 29th March 2003…39

In June 2006, the CLG issued circulars (32/2006 and 71/2006) on fighting fires in high rise buildings. These highlighted the importance of familiarisation visits, specific risk assessments, covering jets and the risk of heat stress. However the FBU was still not satisfied with the advice provided by the CLG on the matter.

Coroner Edward Thomas held an inquest into the deaths and in March 2007 recorded a narrative verdict on the firefighters’ deaths. The coroner’s Rule 43 letter referenced the FBU’s reports and highlighted procedures for tackling high rise fires and the safety features of high rise buildings.40 After the inquest, Matt Wrack, FBU general secretary, said:

“The FBU investigation concluded that Hertfordshire fire authority failed to put in place proper procedures, did not have adequate training and did not send enough firefighters in the initial response to tackle this fire safely. But this tragic loss of life could have happened in any number of fire authorities across the UK, it was only by misfortune that it happened in Stevenage.”41
The fire on 3 July 2009 at Lakanal House, Sceaux Estate, Camberwell, London resulted in the deaths of six people: Catherine Hickman, Dayana Francisquini, Thais Francisquini, Felipe Francisquini Cervi, Helen Udoaka and Michelle Udoaka. In addition, 15 residents and a firefighter were injured. The London Fire Brigade were required to rescue or assist a further 40 residents to safety. Along with loss of life and injuries, over 90 families had to vacate their homes as a result of the fire.  

The FBU assisted the English chief fire and rescue adviser Ken Knight with aspects of his Lakanal House investigation.

Coroner Frances Kirkham held inquests into these deaths in January-March 2013. The coroner’s Rule 43 letter sent to Eric Pickles, then DCLG secretary of state on 28 March 2013, highlighted concerns about firefighting, fire risks assessments, retrofitting sprinklers, along with the building regulations and guidance (Approved Document B). The FBU would underline the following recommendations:

- For DCLG to publish consolidated national guidance in relation to the “stay put” principle and its interaction with the “get out and stay out” policy
- Review of Generic Risk Assessment 3.2 High Rise Firefighting to produce consolidated national guidance
- The requirement on high rise residential building owners to provide relevant information boxes or plates
- Guidance on the Fire Safety Order with regard to the common parts of multiple occupancy premises and their inspection
- Encourage providers of high rise housing to retrofit sprinklers
- Guidance on the Building Regulations, including on external fire spread, wider intelligibility and those involved with maintenance/refurbishment.

There was no fire risk assessment in place at Lakanal House, despite almost three years between the reform of fire safety legislation and the fire that killed six people. The coroner’s Rule 43 letter asked Southwark Council to consider “the skills and experience needed to undertake an assessment of higher risk residential buildings” and “the training required for members of staff considered to be competent to carry out assessments”.

The FBU believes that Eric Pickles’ reply to the Lakanal House Rule 43 letter (May 2013) revealed shocking levels of complacency within DCLG. In particular we would highlight:
• The assumption that Local Government Association guidance part-funded by DCLG was sufficient to meet the concerns about the Fire Safety Order
• The absence of any response about the “stay put” and “get out and stay out” policies
• The revised Generic Risk Assessment on high rise firefighting (February 2014) was sufficient to address the coroner’s recommendations
• The rejection of information boxes on premises as “unnecessary and disproportionate”
• The assumption that a letter to housing providers is sufficient to encourage retrofitting sprinklers
• The unfulfilled promise to simplify Approved Document B to be published in “2016/17”.45

The FBU is particularly concerned about the lack of national standards for accrediting competent fire risk assessors and for training fire inspecting officers as well as about the role of fire authorities as providers of training for third parties.

The coroner also sent a Rule 43 letter to the London Fire Brigade, indicating key matters of concern.46 The union was therefore extremely concerned that Peckham fire station, very close to the site of Lakanal House, was downgraded from a two-pump to a one-pump fire station as a result of London Fire Brigade cuts a year after the inquests. Southwark fire station was also subsequently closed and Old Kent Rd fire station also later lost a pump. After the coroner’s inquest, Andy Dark, FBU assistant general secretary said:

“The fire also shows the importance of introducing a high-quality risk assessment process for such buildings, coupled with rigorous and frequent inspection of high-rise buildings by the fire and rescue service. It is appalling that the fire risks at Lakanal House had never been properly assessed.

“To assess the risk of fire in a complex high-rise residential building, a person needs a good knowledge of fire protection systems and the behaviour of fire. The appropriate level of knowledge cannot be obtained on a one day training course. London Fire Brigade should not have been selling one day training courses to people who were assessing fire risk in other high rise buildings in Southwark.

“There was clear and unambiguous evidence presented to the inquest that the household fire safety leafletting campaign, which fire services up and down the country have introduced as a substitute for fire cover, was totally ineffective.”47
The failure to learn lessons from previous high rise fires was reinforced by the deaths of firefighters Alan Bannon and James Shears whilst tackling a fire in Flat 72, Shirley Towers, Southampton, on 6 April 2010. Ken Wiseman, the coroner in the Hampshire deaths referred to his colleague Edward Thomas’ Rule 43 letter on the Hertfordshire firefighter fatalities in 2005. Both cases involved fires in high-rise buildings and in both cases fallen cables were also cited as a contributory factor in the deaths. Both coroner’s referred to an FBU recommendation to remove all surface-mounted plastic trunking, cable clips and ties.48

Hampshire Fire and Rescue Services’ own report highlighted failing in risk assessment, premises information, pre-planning and familiarisation. The report recommended the service produce an improved description of how operational risks are assessed, particularly for fighting fires. This should include:

- How the Risk Assessment Record fits in with the production of Service Orders
- How further measures (e.g. new technology, systems developed by other FRS, measures identified as needed due to other incidents) are identified and assessed
- How operational risk assessments adequately cover all the topics that the GRAs do when a Service Order is not produced
- Clarify the links between SSRI records, generic pre-planning, and familiarisation visits.49

Although Hampshire’s report was mostly confined to its own brigade, it did recommend for national consideration “46 the need for national guidance on the content and frequency of familiarisation”.

After the coroner’s inquest, Matt Wrack said:

“This tragedy happened in Hampshire, but a similar tragedy could happen again in any number of fire services. We are deeply committed to doing all we can to prevent other families facing the loss of loved ones. The Fire Brigades Union and Hampshire Fire and Rescue Service have worked together to agree 10 key recommendations. We will be raising those recommendations and our concerns with the fire minister to ensure lessons learned from tragedies like this are not lost or forgotten in the future.”
Karl Horan, FBU Southern region executive council member said:

“To prevent a similar loss of life we call upon the Fire Minister and Sir Ken Knight, Chief Fire and Rescue Advisor, to ensure that the issues identified during this inquest are circulated to all UK Fire and Rescue Services and other relevant bodies. We would also ask that consistent specific advice is issued to assist with the implementation.”50
7. FIREFIGHTER FATALITIES – LESSONS IGNORED

The Fire Brigades Union is unique in the UK fire and rescue service in that we investigate every firefighter fatality as well as many other major incidents which have caused concern. No other fire service organisation undertakes this on a UK-wide basis. We therefore highlight a number of other investigations into major fires and fire deaths (including firefighter fatalities). Even though they did not involve high rise residential premises, they nevertheless demonstrate some of the underlying failures at central and local government level, which the union believes are pertinent to the Grenfell Tower investigation.

WARWICKSHIRE 2007

The deaths of firefighters John Averis, Ian Reid, Ashley Stephens and Darren Yates-Badley at Wealmoor warehouse in Atherstone-on-Stour, Warwickshire on 2 November 2007 was the worst multiple firefighter fatality incident since the 1970s.

Warwickshire Fire and Rescue Service’s (WFRS) own report identified premises risk information gathering and processing as an issue. It stated that “opportunities were missed prior to the incident (previous operational calls, planning lists and fire safety inspections) for WFRS to obtain risk information on the building. Up-to-date plans should have been available for crews attending the fire”. WFRS pleaded guilty to a health and safety offence on the grounds that the lack of a premises risk information card or familiarisation visits may have contributed to the deaths of the four firefighters, although the crown court judge found that, if that was a factor, it was a “minor one” amongst “a whole host of causes”.

Since the fatalities, Warwickshire Fire and Rescue Service have introduced new policy combining Regulatory Reform (Fire Safety) Order 2005 inspections with inspections under section 7.2(d) of the Fire and Rescue Services Act 2004. They say “this promotes better understanding of risks within station areas and is supported by a new database and improved information exchange between fire safety, operational support and water departments”.51

The FBU’s own report into the fatalities was highly critical of WFRS’s failure to follow national guidance and its own policies.52 Regrettably (in the FBU’s view), the police and Crown Prosecution Service charged three firefighters with gross negligence.
manslaughter, a process which actually impeded the adoption of improvements arising from the deaths. After the attempted prosecution of the three firefighters collapsed, the FBU said:

“The union warned that the de-regulation of fire services had coincided with a rise in firefighter deaths in the line of duty. The end of national standards had brought a free for all in fire service provision, training and equipment. “The union said key documents which identified major new risks to firefighters as a result of this fire were seized by police and held for over three years. As a result, the distribution of safety critical information important to firefighters across the UK was delayed.”

LOTHIAN AND BORDERS 2009

On the 12 July 2009, firefighter Ewan Williamson was killed whilst employed by Lothian and Borders Fire and Rescue Service and attending an incident involving a fire in the basement of the Balmoral Bar, Dalry Road, Edinburgh. The FBU conducted a fatal accident investigation, which pointed to the repeated recommitment of firefighters:

“E4.12 Summary and analysis of evidence relating to Breathing Apparatus (BA) wearers being committed into bar with minimal time to recover:

• The BA wearers (FF Williamson and FF Carrigan, FF Smith and FF Black) were all recommitted to the bar and briefed to proceed to the fire compartment. The time between both teams exiting the bar and the re-entry for FF Williamson was approximately 10 minutes;
• No consideration to using firefighters who had not previously been committed in BA at the incident;
• The CLG report ‘Core Temperature, Recovery and Re-deployment during a Firefighting, Search and Rescue Scenario, Fire Research Technical Report 18/2008’ gives guidance on the minimum recovery periods required to protect firefighters during BA deployments;
• Guidance is supplied to FRS in the form of ‘Fire Service Manual, Volume 4, Fire Service Training, Guidance and Compliance Framework for Compartment Fire Behaviour Training’. This guidance is specifically targeted to the training environment;
• There is currently no national guidance on the recovery rate and redeployment of BA wearers at operational incidents. As a result no operational guidance is given to firefighting personnel within LBFRS.”
HEALTH AND SAFETY EXECUTIVE INSPECTIONS 2009-10

In 2009-10, HSE inspectors visited eight fire and rescue services across the UK to carry out inspections. The visits were prompted by the rash of firefighter fatalities between 2004 and 2010, and the campaign waged by the FBU at the time.55 HSE inspectors emphasised the unacceptable variation in safety-critical policies between different fire and rescue services. They stated:

2.1.3 The most common policy theme was the dispersed and sometimes complex, basis on which different FRS organised their core framework policies for safety-critical activity. This is not a bureaucratic fixation but is based on inspectors’ observations of the difficulty that operational staff had putting their hands on a relevant piece of guidance or instruction. In some cases important records that inspectors would have expected to find did not exist.”

The HSE inspectors recommended “the production of national guidance on common minimum standards and sharing of good practice”, which they argued would “improve interoperability as well as enable all services to ensure sufficient commonality of firefighter safety and competence for operational work”.

HSE inspectors examined whether services had systems in place to ensure that risk critical information was obtained and disseminated to front line crews. They found that some “did not seem to have adequate systems”, while others “were less adept at capturing new risks within their areas”. Inspectors recommended that:

3.4.6 All services should ensure that:
- they provide adequate training for staff gathering and assessing risk critical information;
- there is a system in place to actively collect relevant risk critical information;
- they monitor the effectiveness of these arrangements;
- risk critical information is kept up to date and is in a suitable format; and
- incident commanders are able to access the information to inform their command decisions.

3.4.7 The production of national guidance on the classification of risk premises and the collection and dissemination of risk information is recommended.56
The FBU is concerned that HSE appear to have stepped back from investigations into fire and rescue service related matters since 2010, due to cut backs and the deregulatory approach it has pursued at the behest of central government.

GREATER MANCHESTER 2013

Firefighter Stephen Hunt was killed attending the fire at Paul’s Hairworld in Oldham Street, Manchester, on 13 July 2013. The FBU carried out an investigation into the circumstances of the fatality and made twelve recommendations. Coroner Nigel Meadows praised the union’s work in his comprehensive Regulation 28 letter (8 June 2016), highlighting 10 significant areas of concern. In particular, relevant to the Grenfell Tower inquiry, Meadows recommended:

(7) It is suggested that all FRSs should undertake a review to consider the circumstances in which inspections should be carried out under section 7(2) (d) of the Fire and Rescue Services Act 2004.

(9) It is suggested that the Secretary of State for the Home Department considers measures to ensure that:
   (i) Fire risk assessors are adequately trained and qualified so as to be competent in the role, and
   (ii) The responsible person has the means to verify the competence of any person holding themselves out to be a fire risk assessor.\(^{57}\)

The FBU published the coroner’s letter and other correspondence in a detailed report on the fatality and subsequent investigations. The union emphasised the succession of failures to learn lessons from previous investigations and inquests, along with the absence of national standards for fire authorities to comply with. Matt Wrack said:

“After such tragedies we have often heard talk of the need to ‘learn the lessons’. However, our submission to the home secretary demonstrates that many of the lessons identified in relation to this terrible incident are not new but have been identified and highlighted in previous reports by the FBU, by fire and rescue services and by other agencies. This suggests a significant failure to adequately monitor progress on implementing the lessons of previous incidents. We are clear that this cannot be allowed to continue.”\(^{58}\)

The government’s response thus far is to revive the fire inspectorate and ask the National Fire Chief’s Council (NFCC) to examine professional standards. However
the latter leaves those who have presided over recent mistakes in charge of rectifying them, while excluding the FBU, in contravention of the coroner’s proposal to centrally involve the union.

The FBU believe ministers have been poorly advised by CFOA. The union is critical of the concept of “safe enough” developed by chief officers in response to central government’s better regulation agenda. This is explicitly motivated by the wider policy agenda to reduce “unnecessary burdens” and “promote economic growth”. It involves a new audit methodology focused on the safety of people in case of fire, instead of looking for compliance with articles of the Fire Safety Order. The approach leaves some individual aspects of fire safety law not complied with, under the guise that risks to people are mitigated and controlled.59 The FBU believes that this deprioritises safety and diminishes the importance of the law in setting safety standards. Similarly, the FBU remains highly critical of the Provision of Operational Risk Information System (PORIS) developed by chief officers, which places the risk of the loss of a site of special scientific interest on an equal footing with the risk of the death of multiple firefighters.60

ANDREW WATTERSON REPORT 2014

In 2013, the FBU commissioned occupational safety expert Professor Andrew Watterson to investigate firefighter fatalities between 2004 and 2013, in order to assess whether lessons had been learned. He was highly critical of the “better regulation and red tape challenge agendas” and advocated they were abandoned for the fire sector. The report concluded:

“There should be defences in depth that run from the top of government, through regulators and brigades to the fireground – vital to protect firefighters on the fireground in all incidents – yet on occasions they have been missing and firefighters have been left defenceless and lost their lives. Risks may not have been ‘highly calculated’, assessed and reduced. Such risks cannot be removed but they can normally be managed far better by fire services, local and central government, and regulatory and inspection bodies.”

Watterson recommended:

“The DCLG and similar ministries in the other countries should urgently set up a review of the failure of some brigades to act rapidly on recommendations from fire fighter fatality at fires reports. Almost all of the fatalities discussed
in this report, it should be noted, occurred post-2004. The CFRAs/HMIFs would be able to check national audits in brigades and inspect them including ensuring actions were taken on Rule 43 letters. CFRA reports should be widely disseminated along with key findings on fatalities and guidance on actions in the future to prevent such fatalities."61
8. SINCE THE GRENFELL TOWER FIRE

The Westminster government responded to the Grenfell Tower fire with a flurry of announcements, most of which are flawed or inadequate. In particular it has set up a public inquiry that has so far failed to get to grips with the key issues and a review of the building regulations that might also miss the opportunity. Reflecting the staggering complacency around these issues, the government has also continued with central funding cuts to the service until the 2020.

THE PUBLIC INQUIRY

There is a real danger that the public inquiry will not adequately challenge and scrutinise key decisions made by Westminster (or other) governments. Rightly the inquiry chair has said he will examine the response of central government in the days immediately following the fire. Firefighters and others who were on the scene were astonished by the absence of central provision for the immediate needs of the local community.

Yet the inquiry will not examine central government activity before the fire. The FBU believes it is utterly illogical to regard the actions of central and local government after the fire as more important than the actions of central and local government before the fire, especially if a key question is how such a blaze could even happen in 2017. This approach adds to the growing suspicion among wide sections of the community that the inquiry is designed to avoid addressing many of the real issues.

The FBU argues that the advice given to, and actions taken by, government ministers must be thoroughly examined. Central government created both the housing and fire safety regimes and central government must be held to account for any failings in them. Yet the public inquiry’s terms of reference appear designed to avoid this. We cannot allow the blame to be placed everywhere else apart from Whitehall.

The inquiry’s terms of reference also appear to have ignored demands to examine the state of the UK fire and rescue service as a whole, preferring instead to focus solely on the London Fire Brigade. Firefighters across the UK are immensely proud of the emergency intervention our members made at the Grenfell Tower fire. But we know that such an incident could have happened in other parts of the UK and with effects which would be likely to have been even worse.62
The scandal of buildings clad with unsafe materials continues a year after the Grenfell Tower fire. Ministry of Housing, Communities and Local Government (MHCLG) figures estimate that there are 317 residential buildings over 18 metres high in England where aluminium composite material cladding has been installed. Of those 317 buildings, 304 have cladding systems that the MHCLG expert panel advise are unlikely to meet current Building Regulations guidance and therefore present fire hazards. Out of the 304 buildings: 158 are social housing buildings (managed by either local authorities or housing associations); 132 are private sector residential buildings, including hotels and student accommodation; and 14 are public buildings including hospitals and schools. As we write, only seven of the high-rise blocks confirmed to have unsafe cladding have had it removed or replaced.

The public inquiry has been painfully slow to get going. The Fennell inquiry into the Kings Cross fire had already taken 90 days of evidence in the first eight months after the fire. The Grenfell Tower inquiry has only just begun hearing testimony. It has rejected requests by victims and by the FBU to widen the scope of the inquiry. It has appointed assessors and experts who the FBU believes have fundamental conflicts of interest, because they were leading figures in local government and the fire and rescue service in the period before the Grenfell Tower fire. The inquiry could last for years and may still ignore the deeper roots of the fire.

**HACKITT REVIEW**

The Westminster government appointed Judith Hackitt to chair the independent Review of Building Regulations and Fire Safety. The FBU submitted evidence to the review and made a number of recommendations, including amending the Fire Safety Order. These included:

- Tenants associations formally involved in relevant local and national consultations
- The revision of Approved Document B to ensure that it reflects risks in the modern built environment and responds to lessons learned over recent years
- A mandatory handover inspection before occupation takes place, so enforcing authorities can verify that it meets all the requisite safety standards – including fire safety
- A requirement on building owners to appoint a competent person on site regularly to make sure contractors do not damage safety critical fire protection measures
• Government accreditation of any person who carries out a fire risk assessment on an external consultancy basis and/or as an expert
• Establishing a publicly-funded, publicly-owned and publicly accountable research establishment and testing house
• Consultation with firefighters’ professional bodies, particularly the FBU.64

Hackitt’s report was published in May 2018. The FBU criticised its failure to recommend an outright ban on flammable cladding and its bias towards prioritising business concerns over public safety.65

CUTS: AUSTERITY CONTINUES

The Westminster government is continuing to cut the fire and rescue service, despite the terrible Grenfell Tower fire and the increase in fire fatalities over the last year. On 6 February 2018, the MHCLG confirmed its Local Government Settlement, providing figures for the central funding allocated to fire authorities in England.

They show that the Westminster government plans to cut central grant funding (known as the Settlement Funding Assessment) to fire authorities by 15% over the years 2016-17 to 2019-20. This comes on top of the 30% central fire funding cuts identified by the National Audit Office between 2010 and 2015. Since 2010, more than 11,000 firefighter jobs have been cut across the UK – one-in-five frontline firefighter jobs, hitting wholetime, retained and control firefighters.

INSPECTIONS AND INSPECTORS

The FBU has raised major concerns about the regulations governing fire safety inspection and enforcement. The fire and rescue service no longer enforces fire safety to the extent it did in the past.

As a result of the massive funding cuts to fire and rescue services, there has been a significant decline in the capacity of fire authorities to undertake fire prevention activities. Home Office figures show that since 2010, home fire safety checks in England have fallen by 25%, whether measured by the number of visits or the hours spent on checks. This is not about targeting vulnerable people, which is the common excuse given for the decline. It is a matter of having fewer firefighters available to carry out this irreplaceable work.
The fire and rescue service has legal responsibility for fire safety audits under the Regulatory Reform (Fire Safety) Order 2005 and other legislation. These inspections should involve comprehensive assessments of compliance with the law and may result in prohibition notices or even prosecutions. However Home Office figures also show that since 2010 these have fallen by around a quarter in England.66

The Grenfell Tower fire has underlined the importance of the work of fire safety inspectors. Yet FBU research has found that since 2010, the number of fire safety inspectors has fallen by 28%. This is greater than the drastic fall in staffing right across the fire and rescue service. A decade ago the London Fire Brigade had over 200 fire safety inspectors, but this has been reduced to just over 150 in 2017.

There are currently just over one thousand fire safety inspectors across the UK. The Westminster government does not routinely publish figures on the number of these inspectors. This illustrates its laissez faire approach of leaving responsibility to local authorities and underlines the lack of oversight and strategic scrutiny at Westminster of overall, national resilience. The old HM inspector of fire services in England and Wales, scrapped at the beginning of the century, reported these figures annually. In 1996-97, it estimated there were 1,724 fire safety inspectors in England and Wales. Today there are 1,041 – indicating a 40% fall in the number of inspectors over the last twenty years.67

TOWER BLOCK ATTENDANCE LOTTERY

The public faces a postcode lottery when they call the fire and rescue service about fires in tower blocks, the FBU found a month after the Grenfell Tower fire. Some fire services send as many as eight fire appliances and a high reach appliance such as an aerial ladder platform (ALP), while other services send only three or four appliances as a matter of course. Some services routinely send an aerial ladder to a reported tower block fire, but others do not.

Every fire and rescue service has a pre-determined attendance (PDA) for a range of calls they may receive on a daily basis. This is supposed to reflect the level of risk from particular fires in particular locations they are responsible for. Individual fire and rescue authorities and brigade principal managers decide on the minimum number of fire engines and specialist appliances to send when a call comes in. Some fire and rescue services have increased their PDA to tower blocks as a result of the Grenfell fire and the checks on cladding.
High reach appliances such as aerial ladder platforms are important if fires spread via cladding on the outside of the tower block. One result of the cuts is that many aerial appliances are not staffed by a dedicated crew (known as primary crewing), but have to be redeployed from other appliances when the specialist vehicle is needed. This is called “jump” crewing, or alternative or switch crewing.

The FBU has found that resources are so tight that over 70% of aerial appliances in England are not permanently crewed. As a result of ‘jump’ crewing some are crewed by firefighters who may already be on another appliance listed on the PDA to attend the tower block on their regular appliances. Firefighters can’t be in two places at once. This underlines some of the problems firefighters face when sent to high-rise fires.

Tower block fires are usually fought from inside the building, because high-rise accommodation is supposed to be designed into compartments, which prevent fires from spreading for long enough for firefighters to arrive and put them out. Grenfell and the other fires highlighted earlier, have highlighted that many of these buildings have been altered so that the original fire protection may have been compromised by, for example, weakening the compartmentation in the building. This process has altered the risks to firefighters and to residents but has not been adequately addressed despite the incidents and experiences mentioned.

These example show that many of the problems with public fire safety persist, despite central government promises to tackle the issues. The FBU is sounding the alarm now, to alert communities and politicians to these issues and the fact that we have been making these warning for many years.
9. CONCLUSIONS

1. The FBU wants a comprehensive and exhaustive investigation of the Grenfell Tower fire, examining the state of the fire and rescue service, local government and social housing, as also demanded by victims and residents groups. Existing inquiries should be broadened in consultation with groups most affected, including the FBU. We want justice, which means accountability all the way to the top – no scapegoating of those on the frontline.

2. The FBU wants to see new legislation and improved regulation, including changes to the Fire and Rescue Services Act, the Building Regulations and the Fire Safety Order, to better protect the public and firefighters. Deregulation, privatisation and outsourcing must cease – public services should be public, in-house and democratically accountable.

3. The FBU wants risks and resilience to be assessed nationally as well as locally, to guarantee standards are maintained and improved. This includes central guidance and oversight of integrated risk management planning (IRMPs).

4. The FBU wants consistent national standards, including a minimum five minute standard for higher-risk areas, and steps to improve response times to all calls. Instead of ever slowing 999 response, there should be a key target for all fire services to improve their emergency response times in relation to attendance and number of appliances. These targets must not simply address the issue of the first fire engine to arrive but the need for all appliances, equipment and crews necessary to tackle the incident safely, effectively and professionally.

5. The FBU wants a UK-wide fire and rescue service council, a national stakeholder oversight body responsible for the development of national standards, codes of practice, guidance and standard operating procedures to level up and improve standards across the country. There needs to be adequately resourced training to ensure compliance with the standards which need to be developed. These matters cannot be left to solely chief officers and the NFCC.
6. The FBU wants substantial investment in the fire and rescue service. The union wants a moratorium on funding cuts imposed on the service. Firefighter numbers are now significantly below resilient levels for normal and major incidents, putting public and firefighter safety at risk. The FBU wants a new generation of firefighters recruited to complement the existing professional workforce – including more fire safety inspectors to enforce the law.

7. The FBU wants a publicly-funded, publicly-owned and publicly accountable research establishment and testing house, to ensure independent scrutiny of new materials and risks.

8. Building control services should be provided by properly resourced local authority building control departments, with staff directly employed by the local authority, not a third party supplier.

9. Fire risk assessors must be subject to national central certification and trained to an appropriate and agreed national standard.

10. The FBU wants consultation and negotiation at all levels, from central government to the local fire station and control room. Ministers should consult with the FBU on strategic decisions nationally. Health and safety committees in local brigades, which include management and FBU safety representatives, should review all matters relating to the Grenfell fire and other fatal incidents, with a view to implementing improved procedures.

11. The FBU wants firefighters’ safety and health protected. Firefighters are subjected to contaminants and other hazards at fire. Firefighters also have to face terrible situations with significant mental health implications. Firefighters deserve to be protected by the law, by standard operating procedures and by brigade principal managers.
APPENDIX 1: GLOSSARY OF KEY TERMS

Approved Document
A guidance document approved under section 6 of the Building Act 1984 to provide practical guidance on ways to comply with the requirements in the building regulations. Approved Document B (ADB) is the guidance issued by government in support of the fire safety aspects of the building regulations.

Building control
A statutory process of assessing plans for building work and building work on site to decide whether the plans and work comply with the requirements in the building regulations.

Combustible Material
A substance that can be burned.

Compartment
A building, or part of a building, constructed to prevent the spread of fire to or from another part of the same building or an adjoining building.

Competent person
A person with enough training and experience or knowledge and other qualities to enable them properly to assist in undertaking the preventive and protective measures.

Enforcing authority
The Fire and Rescue Authority or any other authority specified in Article 25 of the Regulatory Reform (Fire Safety) Order 2005.

Fire door
A door or shutter, together with its frame and furniture, provided for the passage of people, air or goods which, when closed, is intended to restrict the passage of fire and/or smoke to a predictable level of performance.

Firefighting lift
A lift, designed to have additional protection, with controls that enable it to be used under the direct control of the fire and rescue service when fighting a fire.
Fire risk assessment
A fire risk assessment is an organised and methodical look at premises, the activities carried on there and the likelihood that a fire could start and cause harm to those in and around the premises.

Means of escape
Route(s) provided to ensure safe egress from the premises or other locations to a place of total safety.

Regulatory Reform (Fire Safety) Order 2005
The Fire Safety Order covers general fire precautions and other fire safety duties which are needed to protect ‘relevant persons’ in case of fire. The order requires fire precautions to be put in place ‘where necessary’ and to the extent that it is reasonable and practicable. Responsibility for complying with the Order rests with the ‘responsible person’.

Responsible person
Under the Regulatory Reform (Fire Safety) Order 2005, a responsible person is generally an employer or, in premises which are not a workplace, the owner or other person who has control of the premises in connection with carrying on of a trade, business or other undertaking (whether for profit or not). The responsible person must carry out a fire risk assessment, which must focus on the safety in case of fire of all relevant persons.
APPENDIX 2: FBU INTERIM POSITION ON SPRINKLERS (DECEMBER 2017)

The Fire Brigades Union supports the wider use of sprinklers as part of an overall building fire safety strategy to protect people, firefighters, property, jobs and the environment. Fire safety strategy must be based on an integrated approach to dealing with the threat of fire. An integrated approach means combining prevention, protection and intervention to reduce the risks to building occupiers and to firefighters; to property and to the environment.

- **Prevention** includes measures which attempt to prevent fire from occurring.
- **Protection** includes measures to prevent fires from spreading and to enable occupiers to escape safely.
- **Intervention** means the emergency response of the fire and rescue service to carry out rescues and to extinguish fires.

Sprinklers are an effective fire safety system that can assist in the control of a fire in its early stages thus limiting damage and giving occupants additional time to escape.

Sprinklers are expected to limit the growth of fire rather than extinguish fire, so early intervention by firefighters (with adequate resources) is still essential even if sprinklers are provided. By slowing down the development of a fire in its early stages, the provision of a sprinkler system can mean that when firefighters do intervene to extinguish a fire, the risks they face are likely to have been reduced.

In particular:

- **Schools**
  Passive fire protection measures and fire warning systems are generally sufficient to protect the occupants of schools from fire. However, the FBU supports the wider use of sprinklers in new schools as a tool to protect the building and its contents from malicious fire.

- **Warehouses and Industrial Buildings**
  Fires in large un compartmented buildings are particularly hazardous to firefighters, so the FBU supports the wider use of sprinklers in new large compartment warehouses and industrial buildings to assist firefighters in search, rescue and firefighting.
• **Specialised Housing and Registered Accommodation**
  Some of the most vulnerable members of society live in specialised housing and registered care accommodation. The FBU supports the wider use of sprinklers in new accommodation for vulnerable people.

• **High Rise Purpose Built Residential Blocks**
  It is obvious that there are particular risks associated with purpose built high rise blocks of flats. The FBU does not support the approach of some public agencies to this issue which can only be described as complacent. The safety of people living in purpose built high rise residential blocks should be addressed with urgency and the views of tenants and residents should be central to finding solutions.

• **Residential Accommodation – Retro-Fitting**
  Much residential accommodation has been poorly maintained by its owners, putting occupants’ lives at risk in case of fire.

  The FBU believes that passive fire protection measures and fire warning systems should be provided and maintained to the highest standard in residential accommodation. Sprinklers should not be used to compensate for poor standards of passive fire protection (e.g. poor compartmentation) and fire warning.

  If risk assessment* shows that retro-fitting sprinklers is necessary as an additional protection measure (over and above the usual provision of passive fire protection and fire warning) the FBU supports their provision.

• **Residential Accommodation – Risk Assessment**
  The risk assessment of the need for sprinklers as an additional protection measure should not be delegated to local decision-making. Public safety should not be based on a ‘postcode lottery’.

  The FBU supports the appropriate retro-fitting of sprinklers in residential buildings on the basis of a nationally agreed common risk assessment that takes account of:

  ◆ the design and construction of the building;
  ◆ the likelihood of fire and;
  ◆ the vulnerability of residents.
THE RIGHTS OF TENANTS AND RESIDENTS

The FBU believes that residents of purpose built blocks of flats should have the right to feel confident in the processes by which decisions are made in regard to fire safety measures. Regrettably this is often not the case and the voices of tenants and residents have been dismissed and are often absent from such discussions.

Therefore the FBU supports:

1. A national approach to risk assessment in cases where retro-fitting of sprinklers should be considered.
2. That this national approach should include dialogue with all professional voices, including that of the Fire Brigades Union.
3. That owners and landlords (including local authorities) as well as fire and rescue services should engage openly with representatives of tenants and residents.

Fire and rescue services need to be properly funded and resourced in order to employ sufficient and adequately trained officers to engage with residents in a timely manner.

FIRE AND RESCUE SERVICE ATTENDANCE (EMERGENCY INTERVENTION)

The fitting of sprinklers does not reduce or remove the necessity for a fire and rescue service attendance to a fire with the shortest possible response time and with resources adequate to tackle the incident.

- Sprinklers are only expected to limit fire growth not extinguish fires.
  Firefighters extinguish fires.
- Even life safety sprinkler systems are not expected to save the life of someone in the room of fire origin. Firefighters may still need to rescue such a person.
- A sprinkler controlled fire generates large quantities of smoke and steam which can be distressing and damaging. Firefighters can disperse smoke and reduce property damage.
- Even a sprinkler system can cause water damage, so the sooner the fire is extinguished by firefighters, the less water damage will be caused.
- In residential buildings, residents will probably not be in a position to turn off the sprinkler system. Firefighters will be able to turn off a sprinkler system and prevent water damage.
• Sprinklers are only expected to control fires of a certain size. An arson attack or a fire which spreads externally into a building may exceed that size and the sprinkler system may be overwhelmed. Fire and rescue services should plan to extinguish a fire of any size.
• Sprinklers are only expected to control fires of a certain intensity. If the ‘fire load’ is more than that for which the sprinkler system is designed, the fire may not be kept under control. Firefighters can extinguish the most intense of fires.
• As well as the above, firefighters rescue those who are trapped, render first aid and carry out salvage. Sprinklers only spray water onto fires.

SUMMARY

The FBU supports an integrated approach to fire safety. This includes measures to:

• **Prevent** fire from happening;
• measures to **Protect** buildings from fire spread and to ensure safe means of escape for occupiers; and
• measures to ensure that firefighters can effectively **Intervene** to tackle fires when they occur:
• **(Prevention; Protection; Intervention)**

The FBU supports the wider use of sprinklers as part of an overall building fire safety strategy, including retro-fitting where appropriate following risk assessment. This must be as part of an integrated approach to fire safety as set out above.
# APPENDIX 3: MINISTERS FOR FIRE AT WESTMINSTER SINCE 1997

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<thead>
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<th>Department</th>
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<td>DCLG</td>
<td>John Denham</td>
<td>Rosie Winterton</td>
<td>Sarah McCarthy-Fry</td>
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<td>DCLG</td>
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<td>Mark Francois</td>
<td>GMC Coroner’s Regulation 28 letter, June 2016</td>
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<td>Theresa May</td>
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<td>Mike Penning</td>
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<td>Nick Hurd</td>
<td>Grenfell Tower fire, 14 June 2017</td>
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