

Grenfell: Governance, Accountability and Political Agendas

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Background

Systemic failings in governance, accountability and the role of political agendas are integral to understanding the Grenfell Tower tragedy.

Given the extraordinary evidence we have seen in the Grenfell Tower Inquiry over the last two weeks, I thought it might be helpful to publish research I did while researching [Catastrophe and Systemic Change: Learning from the Grenfell Tower Fire and Other Disasters](#).

Importantly, this is an early (and longer) extract from of a chapter on Foundational structures. As such, it is accurate as of December 2020. I'm also not commenting on the recent evidence, but rather publishing this as background to what we are hearing.

I recall being somewhat astounded, outraged and shocked at how weak governance structures were, and embarrassed at how naive I had been to hold the institution of the UK government in such high (and unquestioned) regard.

I think it is important to look at the evidence emerging through the Inquiry in the context of these institutional and systemic failings of governance. The danger is we will dismiss these systemic and contextual issues and assume these were individual ministerial and civil servant's failings.

Sadly, the evidence of the last week's simply reconfirms the weaknesses in UK's governance and it's continued failure to make any meaningful changes to these issues.

For background on what has been emerging in the Inquiry see:

<https://www.insidehousing.co.uk/insight/grenfell-tower-inquiry-diary-week-71-i-have-changed-my-schedules-to-fit-this-in-i-do-have-an-extremely-busy-day-meeting-people-75062>

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The myth that Regulations guarantee safe outcomes

In the wake of catastrophic events, we tend to focus on Regulations as the primary mechanism for change. We seem to think that changing Regulations equates to learning.

Regulations did not prevent the Great Fire of London, regulations did not prevent the Ronan Point building collapse, regulations did not prevent Grenfell. Regulations won't, on their own, prevent the next catastrophe.

- Regulations are by nature **reactive** and do not have the ability to foresee or agility to respond to unpredicted events.

- **Safety (or not) is an emergent outcome** of a complex system (see Chapter Four), regulations are one important input to this system, but they do not guarantee safe outcomes. The relationship between regulations and safety is not linear or predictable.
- **Blind compliance** to regulations (or company policies and procedures) can increase risk as we fail to think about the consequences of actions.

I argue that, rather than viewing them in isolation, we need to consider **Regulations** (Primary and Secondary Legislation) in the context of **Governance** (Government, Accountability and Political Agendas).

Governance

To be frank, having grown up in South Africa, prior to Grenfell I had very little knowledge (or interest) in the working of the UK government, I watched in anything from amusement to anger as the houses of parliament engaged in acrimonious, elite public-school style debates that felt as far removed from the kind of collaborative, enquiry-based conversations that I prefer, and believe are needed to operate effectively in a complex world. My engagement was limited to voting and paying taxes. Three years later, whilst a bit clearer about how things work, I am astounded at the complexity and inaccessibility of governance in the UK and consider this a key constraint to our ability to change and learn from events such as Grenfell. We need to look at any regulatory reforms in the context of known weaknesses in governance.

I consider, How the UK Government works; Accountability and Political Agendas and provide examples of how these played out at Grenfell.

How the UK Government works (or tries to work) [1]

The UK is a constitutional monarchy. Different from most other democratic states and as a result of the gradual evolution of democracy, it has an 'unwritten constitution' existing of many individual laws, conventions and interpretations.[2]. The unelected **Monarch** has no decision-making power.

Parliament comprises the **House of Lords** and the **House of Commons**. The House of Lords are unelected. Parliament looks at what the government is doing; debates issues; passes new laws and sets taxes.

Elections are usually held every five years. The head of the winning party is asked by the Monarch to form a **Government**. The **Prime Minister** selects a **cabinet** (executive) from elected members of parliament (either House of Commons or House of Lords). The Prime Minister is responsible for all policies and decisions.

In addition to approximately 20 **Cabinet Ministers** (the most senior members of government) around 100 additional **Ministers** are selected from Parliament. They are responsible for the decisions and actions of their departments.

Various bodies are then accountable for putting government policy into practice. There are **24 ministerial departments** (such as the Ministry for Housing and Local Government). **20 non ministerial departments** that usually have a regulatory or inspection function (such as the National Fraud Office). And over **300 other agencies and public bodies** whose role is usually to provide government service rather than decide policy (for example the Health and Safety Executive which is sponsored by the Department for Work and Pensions).

The **Civil Service** does the practical work of government. In September 2019 there were 419 000 Civil Servants.[3]

In England more than one million people work for **local governments**. [4] Taking varying forms they are responsible for a range of services within a defined area. Most of their funding comes from council and business taxes. Locally elected councillors set priorities and permanent council staff implement these. Grenfell was part of the Royal Borough of Kensington and Chelsea. It held accountability for (among other things) planning, fire and public safety, social care and housing.

Devolved Governments in Scotland, Wales and Northern Ireland are responsible for many domestic policy issues (such as health, transport and education) and they have law-making powers in those areas.

Accountability Forums

Members of Parliament hold government to account by debating, questioning and voting on issues, representing the view of their constituents. This is done through a number of forums, notably:

- **Voting:** We are talking politics, so voting is controlled by **Whips** are senior members of political parties who organise backbench MPs. Used to maintain party unity, MPs are expected to vote in accordance with the Whips instructions. In some instances, MPs are allowed free votes.
- **Questions:** Ministers are entitled to straight answers to straight questions. Questions can either be raised in letters (and in cases ignored as we've already seen); or submitted in writing and answered orally during a parliamentary session.
- **Prime Ministers Questions:** During weekly session the opposition party can question the Prime Minister on policy or topical matters. Advance notice of the questions is given to the Prime Minister, but supplementary questions are allowed.

- **Parliamentary Committees:** A large part of Governments work is in committees which can be made up of both houses (Lords and Commons). They consider policy, scrutinise the work and expenditure of government and examine proposals for legislation. There are two primary types of committees:

Select Committees. There is a select committee for each government department examining spending, policies and administration. They decide up the line of inquiry, gather written and oral evidence, present a report to the Commons that is published on the Parliamentary website. The government usually has 60 days to reply to the committee's recommendations.

General Committees look at parliamentary legislation.

Issues with Accountability

You cannot have effective governance without effective accountability. A 2018 Institute for Government report, 'Accountability in Modern Government' says: "*accountability is about a relationship between those responsible for something, and those who have a role in passing judgement on how well that responsibility has been discharged.*" [5]

At its best accountability should be used proactively to ensure those in positions of power think hard about decisions and their consequences and consider the range of decisions available, and the fairness, appropriateness and proportionality of each possibility. Concepts such as *exploratory thought* [6] and *chronic unease*[7] emphasise the importance of understanding multiple viewpoints, ensuring cognitive diversity and considering potential unintended consequences.

However, there are issues with accountability in UK's Government as evidenced by failures such Grenfell. Symptoms of weak accountability include **lack of clarity** about who is responsible; **no consequences** for good and bad performance and **lack of transparency and information**. [8]

Fundamental gaps in accountability have led to relationships between officials and ministers that "*promote a tradition of secrecy, which results in a lack of clarity about the responsibilities of senior officials and ministers.*" [9]

For example, in March 2020, Stephen Greenhalgh was appointed an unpaid Minister of State for Fire, jointly at the Ministry of Housing, Communities and Local Government and the Home Office. Listed responsibilities simply say 'Fire'. [10] In February 2020, Christopher Pincher was appointed the Minister of State for Housing. Four months later his 'responsibilities are to be confirmed'. [11] In the absence of transparency and clarity, it's impossible to hold people to account.

In addition, there is a **failure to ensure that accountability has kept pace with increasing complexity of government at all levels**[12] including local and devolved governments. Services are delivered through complex networks of departments, public bodies, private and voluntary sector providers with inconsistent oversight, inspection, regulation and scrutiny.

I attempted to lay out the government departments and advisory bodies that have been set up to respond to Grenfell, the complexity is astounding. I follow Grenfell extremely closely but am unable to keep abreast of who is involved, who is accountable for what and what progress has been made. Official reports that I've printed (which is a fraction of what's been produced) take up three large lever arch files. They neatly summarise steps that have been taken in nicely worded rhetoric that could leave one believing that everything has been brilliantly managed. This contrast starkly with the reality of the slow pace of change in making buildings safe.

Much of the work produced is of very high calibre, and I'm not questioning people's intent. But it is hard to see how anyone is maintaining sufficient oversight to ensure co-ordinated, collaborative systemic change. It feels very much as if we've ended up with a complex, siloed response that will, over time, fix some technical issues but will fall far short of the kind of systemic change called for.

In addition, the **high turnover of both ministers and the civil service** adds to failures of accountabilities as new incumbents bring different priorities and visions and struggle to maintain knowledge and expertise.[13] As of January 2020, three quarters of Ministers had only been in post for six months.[14] The Ministry of Housing and Local Government lost almost a quarter of its staff in 2017/2018, a third of Cabinet Office staff change each year.[15]

Since Grenfell there have been: *three Secretaries of State for Housing, Communities and Local Government*: The Rt Hon Sajid Javid from July 2016 to April 2018; The Rt Hon James Brokenshire from April 2018 to July 2019 and the Rt Hon Robert Jenrick from July 2019 and *five Ministers for Housing*: The Rt Hon Alok Sharma June 2017 to Jan 2018; The Rt Hon Dominic Raab Jan 2018 to Jul 2018; The Rt Hon Kit Malthouse Jul 2018 to Jul 2019; The Rt Hon Esther McVey Jul 2019 to Feb 2020 and the current incumbent The Rt Hon Christopher Pincher Feb 2020.

(Since writing this, not only is there a new Secretary of State, the Rt Hon Michael Gove MP; but an entirely new department: <https://www.gov.uk/government/ministers/secretary-of-state-for-levelling-up-housing-and-communities>).

Possibly exacerbated by the political turmoil surrounding Brexit, the trend for Ministers to remain in positions for shorter periods is troubling from an accountability perspective, as former chancellor Kenneth Clarke told the Institute for Government:

“After six months... you have got an agenda. You know exactly what you are going to do. The next stage, after two years, you are really on top of it... But you realise that the decisions you took after six months were wrong and you have changed your mind. After two years, you are sitting in control now, behind your desk, where you are really going to do this, this, and this. And then the phone rings and the prime minister is having a reshuffle and you move on to the next department and you are back at the beginning, there you are, panicking again.”[16]

Chancellor Ken Clarke

Political Agendas

Distinct from the structures of government are the agendas that those with political power must navigate to make decisions, and that those without political power seek to influence.

As discussed in Chapter 4, one way of considering safety is through the lens of navigating competing tension such as production versus safety for a front-line worker. In high hazard industries, adopting '**both/and**' versus '**either/or**' thinking is useful. How do we build safe **AND** environmentally sound buildings? How do we deregulate **AND** promote safe outcomes? This relies on an understanding that the costs of a catastrophic event (at a human, reputational and financial level) are unacceptable and hence safety is core to all decisions.

The 2018 Review of Building Regulations and Fire Safety acknowledges that prevailing government policy in recent years had been on 'energy efficiency and the deregulatory agenda and less on fire safety'. [17]

When retaining power is of primary importance, doing the 'right thing' amongst a sea of competing tensions and interests is less than clear cut. It would be naïve to assume that political agendas do not inform government policy and regulations. When safety is one of a number of competing tensions, versus core to all of them, and when it is managed from siloed ministries and departments, it's difficult to see how to enable 'both/and' thinking.

The environmental agenda and Grenfell

An increased focus on environmental issues led to a focus on the insulation and energy efficiency of homes. According to an Inside Housing article[18], in 2005 an update to Approved Document B relaxed the use of combustible insulation on tall building, for the first time permitting the use of combustible insulation if they are part of a system that had passed a large-scale test'. This change was supported by the plastic insulation industry and coincided with new environmental standards that required higher levels of insulation. The Inside Housing article argues that the move away from a prescriptive ban opened the door to the use of combustible materials that are now on thousands of buildings across the country.

We are currently seeing industry lobbying for forms of timber to be excluded from the ban on combustible materials, due to timber's green credentials.[19] We need to make sure that we apply 'both/and' thinking and ensure that safety is proven prior to adopting it's use and putting people at risk.

The deregulation agenda and Grenfell

A National Audit Office survey in 2016 found that 49% of surveyed businesses agreed that the level of regulation in the UK was an obstacle to business success, down from 62% in 2009.[20]

The UK by comparison to the 47 member states of The Organisation for Economic Co-operation and Development (OECD) is not, in fact, highly regulated. A 2013 report showed that the UK uses less prescriptive control and command regulation than most, but it has more complex regulatory procedures when compared to other countries.[21]

Despite this, successive governments have called for deregulation[22], and introduced various initiatives to encourage deregulation. Driven by wanting to reduce the 'costs of compliance' to business which are estimated at 100 billion per annum[23], which is driven, at least in part, by seeking political support from business.

Examples of deregulation initiatives include[24]:

- Shortly after coming into power in **1983**, the Conservative government mounted a deregulation initiative, leading to the 1986 White paper '**Building Businesses – Not Barriers**' and the creation of a **Deregulation Unit**.
- In **1997** the incoming Labour government wanting to introduce new legislation sensibly renamed the Deregulation Unit the **Better Regulation Unit and Taskforce**. In 1998 it introduced **Regulatory Impact Assessments** and in 1999 required all legislation and regulations be cleared by the Regulatory Impact Unit.
- Between **2010 and 2015** the newly elected Conservative/Liberal-Democrat government announced the '**Red Tape Challenge**' requiring Government departments to find savings worth double the cost of any new regulations to business, known as 'one in, two out'. [25]
- Following the **2015 elections** the Conservative government set a target to **cut £10 billion** regulatory costs by 2020. [26]

The impact of the deregulatory agenda on decisions pre-Grenfell is evidenced in the example of the failure to respond to regulatory concerns raised after Lakanal House.

Grenfell: Governance, accountability and political agendas

The “elephant sitting in the room” is the thing which everybody knows is important, but nobody will talk about. It is a taboo. The “black swan” is an extreme or unlikely event which shreds prior risk management strategies. A “black elephant” is an event which is extremely likely and widely predicted by experts, but people attempt to pass it off as a black swan when it finally happens.

Right now, our society is littered with black elephants. [27]

Vinay Gupta, Disaster and Risk Consultant

Vinay's Gupta's quote is apt in the context of the known dangers of the external spread of flames and known issues with building regulations in the decades leading up to Grenfell, as can be seen in the timeline in Chapter Three.

For the purposes of illustrating failings in accountability let's look at the failure to respond to known issues with the building regulations. These came to light after Grenfell, in a special investigation by Peter Apps of Inside Housing. [28]

In addition to issues raised about building regulations which, the Lakanal coroner Frances Kirkham, also raised issues concerning Stay Put and Fire Survival Calls which were not sufficiently heeded by the London Fire Brigade. This was called out in the Grenfell Inquiry Phase 1 Report, where the Chair of the Inquiry said that they were an "institution in danger of not learning the lessons from the Grenfell Tower fire." [29]

The Lakanal House Fire: Background

On 3rd July 2009 a fire in London killed six people.

Catherine Hickman lived above the source of the fire, she called 999 six minutes after the fire broke out and told the operator that smoke was entering her flat. She was told to stay put and await rescue.

The tower block had recently been refurbished and combustible cladding had been added to the outside. The fire burst out of the window where it started, lit the combustible panel, buckled Ms Hickman's window, set fire to her curtains and spread through her home. She endured 40 minutes on the phone to the emergency services before she stopped responding and died. Five of her neighbours were trapped and killed: Dayana Francisquini, 26 and her children Thais, 6 and Felipe 3; and Helen Udoaka, 34 and her daughter Michelle, who was 20 days old.

Unanswered Letters: The Lakanal House Fire and failures in accountability[30]

Judge Frances Kirkham conducted a jury-led inquest. Following this, on the 28th March 2013, she wrote to the Department for Communities and Local Government which was responsible for housing regulations and led by Eric Pickles, the Secretary of State for Housing, Communities and Local Government from 2010 to 2015.

The letter (referred to as a Prevention of Future Deaths report) included the following[31]:

Building Regulations and Approved Document B

During these inquests we examined Approved Document B (2000 edition incorporating 2000 and 2002 amendments) ("AD B"). I am aware that AD B has subsequently been amended, and believe that a further amendment is due to be published soon. The introduction to AD B states that it is "... intended to provide guidance for some of the more common building situations". However, AD B is a most difficult document to use. Further, it is necessary to refer to additional documents in order to find an answer to relatively straightforward questions concerning the fire protection properties of materials to be incorporated into the fabric of a building.

It is recommended that your Department review AD B to ensure that it

- provides clear guidance in relation to Regulation B4 of the Building Regulations, with particular regard to the spread of fire over the external envelope of the building and the circumstances in which attention should be paid to whether proposed work might reduce existing fire protection
- is expressed in words and adopts a format which are intelligible to the wide range of people and bodies engaged in construction, maintenance and refurbishment of buildings, and not just to professionals who may already have a depth of knowledge of building regulations and building control matters
- provides guidance which is of assistance to those involved in maintenance or refurbishment of older housing stock, and not only those engaged in design and construction of new buildings.

In his response[32] on the 20th May he said:

Finally, in relation to Building Regulations, I have noted your concerns about the difficulties that some of those involved in the Inquests had with the interpretation of Approved Document B. I can assure you that my Department is committed to a programme of simplification. However, the design of fire protection in buildings is a complex subject and should remain, to some extent, in the realm of professionals.

We have commissioned research which will feed into a future review of this part of the Building Regulations. We expect this work to form the basis of a formal review leading to the publication of a new edition of the Approved Document in 2016/17. The revision would be drafted in accordance with a new 'style guide' for Approved Documents, aimed at

ensuring the guidance is capable of being more easily understood, and that the need to cross- reference is reduced.

Of course, it is easy with hindsight to judge these as bad decisions, but this was not the only opportunity the government had to respond.

After Grenfell, it was revealed that an All-Party Parliamentary Group[33] (an informal cross- party group) The Fire Safety and Rescue Group chaired by Conservative MP Sir David Amess, had written to ministers no fewer than 21 times calling for actions to be

taken to implement the findings of the Lakanal House review. (Sir David Amess was tragically assassinated in October 2021.

For example:

Regarding the building regulations, they wrote to the Minister suggesting that issues with the fire resistance of materials on outside walls could be dealt with by simple amendments rather than wait for the official 2016/2017 review of Approved Document B. On 9 September 2015 the Minister accountable for building regulations, Stephen Williams, responded saying :

'I have neither seen nor heard anything that would suggest consideration of these specific potential changes is urgent' and I'm not willing to disrupt the work of my department by asking that these matters be brought forward.'

Sir David responded saying

'he was at a loss to understand how you had concluded that the credible and independent evidence which had life safety implications was not considered urgent'. Adding 'should a major fire tragedy with loss of life occurred between now and 2017, in for example a residential care facility or a purpose-built block of flats, where the matters raised here were found to be contributory to the outcome, then the group would be bound to bring this to other's attention.'

The group never received a response to this letter.

It picked it up with Mr Williams' successor 2015, but this was unsuccessful, with Mr Wharton at one stage citing the government's desire to 'reduce the burden of red tape' in his refusal to act.

In addition to the warnings by the All-Party Parliamentary Group, in 2014 the Department was told combustible aluminium cladding of the exact kind used on Grenfell were being installed on high rises. Minutes from this meeting say that officials agreed to add a 'frequently asked question' to the website where the documents were stored making it clear that this type of cladding was not allowed, but this was never done.

In 2016 Gavin Barwell took over as Housing Minister. The All-Party group contacted him on 12 September 2016 inviting him to lunch and sending copy of correspondence with Mr Wharton. Mr Barwell did not reply, he was sent another letter requesting a response on 17 October. A week later the All-Party Group got a reply refusing the offer of a meeting saying, *'you had a similar meeting with my predecessor'* and saying he would make a *statement in due course about the review of building regulations.*

In early 2017 going over his head, the group sent two letters to Chancellor Philip Hammond, warning that the regulations had not been reviewed for a decade and saying, 'there is uncertainty as to whether a review of building regulations is even going ahead'. He replied telling them to keep engaging with the lead department's – in this case Mr Barwell.

They wrote to Barwell again in February 2017 seeking a response to the November 2016 letter saying it was extremely concerned. On 5 April 2017, Barwell finally agreed to meet the group accepting it was clearly unacceptable that two previous letters had been lost in transit. On the 18 April 2017, the group responded saying *'It is now 11 years since part B (Approved Document B) was last reviewed, and I trust that the matters will now receive your due consideration'*.

On 2 May he responded to the group regarding a recent fire saying, 'each flat is designed to prevent fire spreading to adjacent flats... experience of this approach to fire safety over many years has shown this to be an effective strategy'. This ignored the warnings from the Lakanal coroner.

After the APPG's last letter of the 19th May the Prime Minister called a snap election, the planned meeting was cancelled, and Mr Barwell lost his seat.

A week later a fridge caught fire in a flat in Grenfell Tower...

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