

NCVO RESPONSE TO THE GRENFELL TOWER INQUIRY CONSULTATION ON TERMS OF REFERENCE

July 2017

About NCVO

NCVO champions the voluntary sector and volunteering, to help voluntary organisations and volunteers make the biggest difference they can.

We are inspired and empowered by our 12,500 members, which range from small community groups entirely led by volunteers to large household name charities.

Our work aims to:

- Connect organisations with the people, partners and resources they need to make the biggest difference.
- Represent the voluntary sector and volunteering to government. Using the best research, we demonstrate their true value and help influence policy-makers.
- Support voluntary organisations by generating and identifying the best knowledge and expertise.

Our response

NCVO welcomes the opportunity to respond to this important consultation seeking views on the terms of reference for the inquiry. NCVO's interest in the Grenfell Tower Inquiry is because of our role representing the voluntary sector and volunteering, and championing high standards of governance. We propose the inquiry's terms cover two issues:

1. As part of the inquiry's consideration of the relevant contributing factors to the cause of the fire and the handling of residents' concerns prior to the fire, it should look in to **the adequacy and appropriateness of the governance structures of the organisation managing the building**. While we recognise that the Tenancy Management Organisation responsible for Grenfell Tower's management is a private company, it is one that relies on the involvement of residents who are volunteering as board members to contribute to the management of homes.
2. The inquiry should also consider local response and management in the aftermath of the tragedy, in addition to the causes of the fire. This should include **a review of the framework under which public services and voluntary organisations are coordinated in such**

emergencies, so that future response and recovery is carried out as effectively and efficiently as possible.

3. In particular, the inquiry should review whether it is necessary to create mechanisms that allow for effective fundraising and funding distribution for immediately affected victims and for community recovery and development in the wake of future emergencies of this nature.

We explain the context to these proposals in more detail below.

Structure and governance model of the Kensington and Chelsea Tenancy Management Organisation (KCTMO)

We recommend that the adequacy and appropriateness of the size, structure and governance of the Kensington and Chelsea Tenancy Management Organisation (KCTMO) be considered as part of the inquiry. The Grenfell Action Group, among others, repeatedly raised concerns over the safety of Grenfell Tower. The inquiry should seek to understand why residents' concerns were ignored and whether the structure and governance model of KCTMO contributed to failing to provide a safe, adequate service.

KCTMO is a Tenancy Management Organisation (TMO) and Arms-Length Management Organisation (ALMO) which manages around 10,000 homes in the borough, having taken over responsibility from the council in 1996. TMOs are usually small, community-led, democratic organisations established under the Right to Manage regulations. They allow council or housing association tenants and leaseholders to take on collective responsibility for the homes in which they live; resident members of the TMO create an independent legal body and elect a tenant-led committee or board to run the organisation.

The majority of TMOs provide a limited range of services for around 200 – 300 homes. KCTMO is unique in that it provides a full range of housing services (management and day-to-day maintenance etc.) to the entire housing stock for The Royal Borough of Kensington and Chelsea; it is the largest TMO in the UK.

We recommend that the inquiry considers whether the structure and governance model of the KCTMO are fit for purpose. In particular, the inquiry should investigate whether the size and scale of the KCTMO's responsibilities were factors that contributed to undermining the democratic nature and purpose of a TMO, and limited its ability to be truly community-led, support tenant participation and serve its residents and members.

The structure of the board primarily consists of tenants and council-nominated members; 8 residents, 4 council-nominated and 3 independent board members. The inquiry should consider whether the composition of the board is adequate considering the scope of its responsibilities, how new board members are supported and how it can demonstrate it meets expected standards and expectations.

The KCTMO is a member of the National Federation of Tenant Management Organisations (NFTMO) which provides a model format for TMOs to develop their Code of Governance. It would be necessary for the enquiry to consider whether KCTMO's Code of Governance is adequate and whether TMOs should be obliged to implement a standard, Code of Governance to ensure best practice and accountability across the sector, and how residents and other stakeholders can be assured that they are following high standards of governance and accountability.

During this inquiry, the following questions should be answered relating to structure and governance:

- Is the structure of KCTMO as a TMO appropriate and able to be truly democratic and tenant-led given its size and scale of responsibilities?
- Is the composition of KCTMO's board suitable given the size and scope of their work?
- What training, induction and support was in place to support new board members to understand their roles and fulfil their duties?
- How has the board assured itself that it has an appropriate mix of skills and expertise to fulfil its duties?
- Did the board have access to independent advice and guidance when necessary?
- Is KCTMO's code of governance fit for purpose? How can the board demonstrate that it met the standards set out in its code of governance? Is the model code which is recommended by the NFTMO fit for purpose and should there be one, compulsory code which sets a bench mark for the sector?
- Besides its written procedures, did the board exhibit appropriate culture and behaviours, for example in proactively seeking feedback and genuinely assessing concerns? If not, why not?
- What complaints procedure was in place, was this followed and how and when were the board made aware of complaints?
- What reporting and quality framework was in place to give the board assurance that standards and expectations were being met?

The following evidence relating to the structure and governance of the KCTMO should be considered during the inquiry:

- KCTMO's board meeting minutes
- KCTMO's code of governance and relating documents including the code of conduct, risk register, conflict of interest policy and the review and self-assessment procedure
- Records of complaints and complaints procedures

- The budget in place for developing and supporting new trustees
- Evidence that new trustees were supported and trained to meet the requirements of their roles
- Performance and financial statements
- KCTMO's Constitution

The voluntary sector's response to the Grenfell fire

There is much to be celebrated about the voluntary sector's response to the Grenfell tragedy; the scale of the relief effort, the amount of charities and volunteers involved in supporting victims and the community and the amount of money raised. There is also an opportunity to learn from the voluntary sector's response and consider how it can be improved and coordinated more effectively.

Emergency planning and response

The Grenfell fire has raised questions about how the emergency services, local authorities and other agencies, including charities, plan for and respond to local emergencies. Hundreds of volunteers from across London flooded in to support the relief effort. However, these enormous efforts lacked central coordination and planning from the council and other authorities.

The inquiry should focus on the local response and management in the aftermath of the tragedy, in addition to the causes of the fire. The Civil Contingencies Act 2004 establishes a statutory framework for civil protection at the local level and defines the roles and responsibilities of parties involved in emergency planning and response. The Act, regulations and guidance currently require Category 1 'responders' (e.g. emergency services, local authorities and the NHS) to consider the activities of charities when carrying out their planning duties. Charities make their resources available to both category 1 and 2 responders (e.g. transport and utility companies), through Local Resilience Forums and Strategic Co-ordination groups.

Although legislation has clarified the role of charities in planning and responding to local contingencies, the inquiry should review the current statutory framework, and consider what is required to enable the framework to be implemented more effectively and the role of charities and volunteers within statutory, local contingency planning. In particular, the inquiry should address the following:

- Concerns that the role of emergency planning has been diminished in many local authorities in recent years. The Emergency Planning Society have warned that local authorities are struggling to meet their legal duties under the Civil Contingencies Act due to spending cuts.
- Whether current emergency planning practice adequately involves local voluntary organisations and the ability of the framework to foster networks between emergency planners and voluntary organisations and wider multi-agency partnerships.

Voluntary organisations in the Grenfell community

The inquiry should consider how civil society was able to respond to the concerns of the community before the fire and how it was enabled or hindered to function effectively. Were charities aware of concerns about Grenfell Tower in the run up to the disaster and how well was this knowledge used? Could charities help promote the voice of residents in the run up to the fire and did they have the capacity to advocate, campaign and raise concerns on behalf of residents? Where concerns were raised by the voluntary sector, were they investigated?

Collection and distribution of funds in domestic emergencies and disasters

The inquiry may also like to consider whether it is necessary to create mechanisms for any future large-scale emergencies of this nature that would ensure effective fundraising and funding distribution for immediately affected victims as well as community recovery.

There is no question about the amount of money raised during the response and the scale of public support for victims of the fire. However, the coordination of the fundraising response is extremely complex; the amount of funds and charities involved, the multiple criteria for grant-distribution as well as the need to maintain transparency. This has led to questions being raised about whether funds could have been distributed more quickly and reached victims more effectively.

Central government's support of the charitable response has been lacking and should be considered as part of a wider review of the arrangements in place for coordinating fundraising efforts for large scale disasters such as Grenfell. The aftermath of Grenfell can be contrasted with the government's rapid response to the 2005, 7/7 bombings where it took direct responsibility to look after the welfare and interests of victims.

The Grenfell fire came in a series of domestic tragedies, including the Manchester bombing and the terrorist attack at London Bridge. The voluntary sector's response to all these disasters was admirable, but their quick succession created considerable pressure to coordinate three, large-scale, emergency fundraising campaigns within a matter of weeks. We would suggest the inquiry considers how the government can better prepare for and support charitable fundraising efforts for any future emergencies of this scale.

The inquiry should review the arrangements made for coordinating fundraising efforts following the Grenfell fire, and establish whether there are broader lessons for how the voluntary sector and government should raise and allocate funds considering the needs of immediately affected victims and the ongoing recovery and development of affected communities. In this respect, the priority should be to create a simplified process which is easy to navigate for those who wish to donate, for the people who are the recipients of the donations, and for the community groups and charities aiding local recovery.