



Housing Law Practitioners' Association c/o Shelter
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Matthew Pennycook MP
Minister of State
Ministry of Housing, Communities and Local Government
2 Marsham Street
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Sent by email to:
matthew.pennycook.mp@parliament.uk

Date 19 February 2025

Dear Minister,

Housing Law Practitioners Association (HPLA) recommendations further to the Grenfell Inquiry/ views on the inquiry and areas for reform

We write as an organisations which is a forum for practitioners working in housing law to share knowledge and information and come together to promote, foster and develop housing justice for the benefit of the homeless, tenants and the occupiers of housing.

In September 2024 the Grenfell Inquiry published its final report. The seven-volume report outlines the findings from the second phase of the inquiry into the catastrophic events of 14 June 2017. As the report notes, this phase of the inquiry sought to answer the question:

“how was it possible in 21st century London for a reinforced concrete building, itself structurally impervious to fire, to be turned into a death trap that would enable fire to sweep through it in an uncontrollable way in a matter of a few hours despite what were thought to be effective regulations designed to prevent just such an event?”

As the government considers its response to the report, which identified multiple failings across many different institutions, HPLA wanted to outline its views on the report given our purposes as an organisation to promote, foster and develop the rights of homeless persons and tenants.

Recent reports state that 2400 buildings have been flagged as unsafe due to hazardous cladding. Further, more buildings are being identified as being unsafe than those being repaired. This is a major cause for concern

When preparing the document our thoughts as an organisation were with the families, friends and loved ones of the 72 victims who lost their lives.

HLEPA's views on the inquiry and areas for reform

HLEPA recognises the volume of work, the detailed investigation and the scope of the findings. The scale of the tragedy justified the scale of the inquiry even though we share the widespread frustration that justice for the victims remains too far off.

HLEPA acknowledges that many of the inquiry's recommendations are beneficial. For example, a noteworthy recommendation is the widening of the definition of Higher Risk Buildings which would undoubtedly lead to (if it is going to be defined by the residents in the building) substantial improvement in safety standards in social housing.

A significant recommendation from the report was the establishment of an independent regulatory body to oversee the construction industry, which would be responsible for regulating construction products, testing, certification, and licensing of contractors, with a focus on higher-risk buildings. Further, the inquiry recommended that the profession of fire engineering be formally recognised and protected by statute, ensuring that only qualified professionals can practice.

We consider the recommendations not to be far reaching enough and the inquiry's terms of reference to be too narrow. In particular, HLEPA's view is that:

1. Legal aid specialist solicitor housing advice

The inquiry did not cover the absence of legal aid specialist solicitor housing advice in the period following the refurbishment and tenants complaints. The report should have covered the impact of the lack of legal aid and the decline and narrowing of the scope of legal aid over the years (including the effects of LASPO and austerity).

HLEPA's view is that past reforms and underinvestment in legal aid could have been a contributing factor and should have been within the scope of the inquiry. HLEPA believes that legal aid must be reset to ensure the government's response to the inquiry and wider housing reform are effective.

Critically, this should include widening the scope of legal aid for disrepair work. To deliver that reset, a root and branch review of legal aid and eligibility is urgently needed. This should be aimed at ensuring tenants can enforce their rights through the courts against landlords.

This is particularly needed in the absence of any enforcement by local authorities.

The scope should also have been extended to examine the impact of the constraints imposed on judicial review work by amendments to legal aid.

Access to justice is critical and the ability to seek such advice in respect of repairs issues.

See attached letter to the Lord Chancellor 18 December 2024.

2. Regulatory assessment resulting in enforcement action

Housing Health and Safety Rating System for Local authority tenants providing a right to an assessment by the Regulator of social housing leading to enforcement action.

3. Recognised tenants associations and leaseholders

No recommendations were made in respect of social housing providers generally. The reason given for this was the enactment of the Social Housing (Regulation) Act 2023. This is not sufficient and there are some key areas for change that HLPAs support but are not limited to:-

To re-visit and consider recommendations relating to the consultation of housing management which is outdated.

The recognition of residence associations and a formal mechanism to recognise this, such a procedure to be subjected to the ability to meet certain criteria.

The regulator should consult an advisory board that includes representatives from (recognised) residents associations.

Housing managers should meet on a regularly to facilitate sharing ideas and concerns, and ongoing constructive conversation.

To be properly funded to ensure their functionality

4. Tenants voice

A separate body for tenants has not been established.

In spite of the Inquiry's finding that tenants' and leaseholders' associations were not properly listened to or communicated with, the report failed to make any recommendations in respect of granting resident associations and organisations greater formal recognition and meaningful consultation rights in law.

5. Planning for emergencies / displacement

The report confirms the displacement of over 800 people who were rendered homeless and, in many cases, for all practical purposes destitute.

We consider the recommendations to be too general and not made in conjunction with relevant Legislation. Furthermore, recommendations relating to local authorities are often caveated with “ *as far as possible*” . There continues to be a reliance on community support, but as housing law practitioners we are well aware of the difficulties and need for legal intervention to achieve this.

Thought need to be given to trauma informed practices and measures to prevent discrimination during emergency if there is displacement of residents.

We would welcome an opportunity to discuss this matter with you further and look forward to hearing from you.

Your sincerely .

Dianne Cowie, Laura Coyle, Tim Baldwin.

Co Chairs of the Housing Law Practitioners Association (HLPAs)