GRENFELL – ADDITIONAL CHAPTERS

Chapter 2 — Lessons Learned & What to Do Next

CHAPTER 2

LESSONS LEARNED & WHAT TO DO NEXT

Today’s chapter focuses on the Inquiry’s findings concerning the architect’s role in the tragedy. This is an important but unflattering discussion. The architect is described as “Incompetent”. Do you agree?

THE ARCHITECTS’ INVOLVEMENT

Ongoing questions about what architects should know and how they should conduct themselves are part of a healthy professional discussion. Without it, our profession—like any profession—could easily slide into complacency, and ultimately, irrelevance. These questions bear on nearly every aspect of our professional lives, but especially architectural education (university and continuing), qualification and regulation.

The Grenfell Tower fire in London, England has brought that discussion to the forefront, and it reveals that our professional discourse has not been nearly as rigorous or as wide-ranging as it

could be or needs to be. Partly as a result, a terrible, preventable tragedy has occurred, 72 people have lost their lives, many others are injured and homeless, and members of our profession must shoulder a large portion of the blame.

QUOTING *THE GUARDIAN*:

Architects have long complained of the erosion of their status, seeing their role at the top of the tree relentlessly undermined and usurped by specialist subconsultants [...] leaving the architect as an increasingly ineffectual middleman, supposedly presiding over these multiple specialisms while having little technical knowledge of any of them.

John Hackett's Insight:

The same complaints about erosion of the architectural profession’s status apply in Canada. If architects in Canada are perceived as not meeting the public’s need for their leadership on issues impacting the safety of those that occupy the buildings architects design, is there any reason for our status at the “top of the tree” not to be challenged? Should we be asking ourselves: “As architects, are we engaged enough in meeting the need for leadership?”

Beginning with an examination of the event itself, the Inquiry moved on to the events leading up to the fire, consequently uncovering its probable causes and the roles that were played by the many responsible contributors—a group that covers the broadest imaginable range: architects, engineers, suppliers, installers, contractors, trades, government agencies at all levels, product testing agencies, clients, managers and the fire department.

Although the architects share only a portion of the blame, they have deservedly been singled out for several reasons. First, the *Phase 2 Report* identifies the architects as bearing “the ultimate responsibility for the tower’s safety.” Second, the failures on this project include an incredible litany of the missteps that architects often make, sometimes in tandem, although rarely to this extent, all on the same project. Third, and most urgently, the Grenfell fire and the Inquiry have global implications for all of us: the profession, our collaborators, and the public we serve.

Many of those identified as contributing to the disaster, including the architects, have reason to be concerned about further developments.

A NOVEMBER 22, 2024, SCHEDULED UK HOUSE OF LORDS DEBATE INCLUDED A MOTION TO TAKE NOTE OF THE *GRENFELL TOWER INQUIRY*.

The Metropolitan Police said in May 2024 that 180 officers and staff were investigating whether criminal offences had been committed in relation to the Grenfell Tower Fire. They had identified 19 companies or organisations and 58 individuals as suspects.

The police force believed it would take … until at least the end of 2025 … for the investigation team to fully assess the report once it was published … [Early investigative advice files] … examined a full range of offences including corporate manslaughter, gross negligence

manslaughter, fraud, and health and safety offences.

John Hackett's Insight:

Those of us who don't practise in the UK will recognize that many of the missteps leading to the Grenfell fire shouldn't happen here—at least not in the same way—where different regulations, different standards, different customs, etc. apply. But we shouldn't conclude that we are incapable of similar failings. There should be no huge sigh of relief. In each of the problems attributed to firms, agencies and individuals, there exists an unsettling number of parallels to current practices and circumstances here in Ontario.

Beginning with the professional behaviour of the architects themselves—professional negligence, including inexperience, lack of basic knowledge, inadequate fees, lack of preparation, misrepresentation, unawareness of regulations, inadequate standard of care, failure to coordinate, being distracted by other concerns, gullibility, deficient site reviews—all of these show up regularly in professional liability insurance claims against Architects and engineers in Ontario.

FINDINGS RELATED TO THE ARCHITECT

The architects had been commissioned to reclad an existing building. The complexity of the project and the likelihood of problems seemed minimal—a perception that is in striking contrast to the events that followed. Hereunder is a list of areas in which the architects appear to have shown little regard or understanding of the risks and possible consequences of their actions and inactions.

Under the weight of the *Phase 2 Report*'s findings, and shortly after an employee of the architectural practice Studio E testified in the Inquiry's second phase, the firm entered voluntary liquidation, pending the final determinations of the Inquiry.

1. The architect's standard of care:

One of the most architecturally damning conclusions in the report is that the architects behaved

unprofessionally:

QUOTING VOL. 1, PART 6, 2.79 OF THE PHASE 2 REPORT:

Although the TMO [Tenant Management Organization] as the client wanted to reduce the cost by

using ACM rainscreen panels, it was the responsibility of Studio E to determine whether the use of such material would enable the building to comply with functional requirement B4(1) of the Building Regulations and advise the TMO accordingly. Its failure to recognize that ACM was dangerous and to warn the TMO against its use represented a failure to act in accordance with the standard of a reasonably competent architect […] Studio E therefore bears a very significant degree of responsibility for the disaster. —

John Hackett's Insight:

In claims against Ontario Architects, failure to adequately advise or warn clients about BOTH the benefits and risks associated with its recommendations, including the inadequacies, code compliance, maintenance and other implications of materials proposed for use on a project, show up frequently in claims. I am also aware of legal advice that architects' errors that result in unsafe buildings and/or do not comply with the OBC could be grounds for professional misconduct.

2. Lack of awareness of regulations:

Under the circumstances, a serious lack of professional knowledge was displayed. *Dezeen*, an online architecture, interiors and design magazine based in London, noted in a series of items related to the Inquiry:

The lead architect on the refurbishment of Grenfell Tower, which was completed the year before the building caught fire in 2017, has revealed that he was not aware of all the fire safety advice for tall buildings.

THE RIBA JOURNAL POINTS OUT:

Throughout, the report criticizes the architect’s lack of familiarity with and understanding of the significance of building regulations.

John Hackett’s Insight:

Awareness of building regulations, including the applicable provisions in the building and fire codes, is accepted as a given for an architect providing professional services to the public in Ontario. Nevertheless, allegations that an architect has failed to meet the applicable code requirements are common.

Architects have access to allied professionals who specialize in applying our building codes and applicable standards to any situations that arise where the architect’s knowledge and experience

are lacking. But this assistance is only useful if it is sought and used. At Grenfell, failure to utilize the services of an available fire prevention specialist was cited as one of the architect's failures contributing to the loss of life.

3. Accepting commissions beyond the architect's skills and experience:

In communication with their prospective client, the architect misrepresented the extent and limits of their skillset. The Inquiry discovered that not only was the architect totally lacking in experience with this building and project type, but they also accepted the commission at a discounted fee, with the justification that they were already engaged to do a nearby community centre. The fee was recognized as inadequate, but it was arrived at because it was low enough to allow the client to avoid a prescribed competitive selection process.

In defence of the fact that the architect had no experience with high-rise buildings before taking on the Grenfell Tower refurbishment, *Dezeen* quotesthe lead architect as saying:

The issue of whether a project poses new challenges is not, I think— if that is the implication—that somehow we were not capable of doing the project, I think that is false.

Because clearly every project, in [one's] experience […] is a first, and we had actually been dealing with projects of quite some sophistication and complexity as firsts.

THE INQUIRY FINDINGS ALSO NOTED THE CLIENT'S SHORTCOMINGS WITH REGARD TO THEIR SELECTION OF ARCHITECT:

The TMO (Tenant Management Organization) must also take a share of the blame for the disaster. As the [architect's] client it failed to take sufficient care in its choice of architect.

— Vol.1, Part 6, 2.87

John Hackett's Insight:

We frequently see similar assertions by Ontario Architects that they are qualified to take on a new type of project (high-rise residential, re-cladding of an existing high-rise apartment building e.g.) based on unrelated experience on other types of projects. Similarly, criticism of clients for putting other considerations—including fees and avoidance of a selection process—ahead of applicable experience are also common.

Many client organizations have protocols for procuring services that they are happy to set aside when convenient—a common rationale for clients asking architects to retain “owner’s specialists.”

But when things go wrong and the circumstances come to light, it tends to become front page news.

4. Education of architects:

The problem was not just that the architect lacked education in some important aspects of running a professional practice. This is distressingly common in many professions, and it’s an issue that the OAA’s Admission Course and Continuing Education (ConEd) Program seek to address. But this shortcoming was compounded by the fact that they also lacked general knowledge fundamental to practising architecture, and worse, were unaware that such knowledge was even necessary.

Some architectural commentators in the UK share these concerns regarding an architect’s education. An article in *The Guardian* by architecture and design critic Oliver Wainwright, commenting on the characterization of the architect in the *Phase 2 Report* includes the following comments:

Anyone who has been to a degree show or a “crit”, where students present their work to a jury of critics, will know that architectural education is a five-year training in visual representation and rhetorical obfuscation.

As the inquiry panel member Thoria Istephan, an architect and registered health and safety practitioner said as the findings were published: “put simply, if you work in the construction industry and you do not feel the weight of responsibility for keeping people safe, you are in the

wrong job.”

John Hackett’s Insight:

There are reports that the RIBA rarely (if ever) sanctions architects for failure to undertake Continuing Professional Development (CPD). By contrast, provincial regulators in Canada, including the OAA, *carefully* monitor and enforce adherence to required continuing education, and here in Ontario, some courses are mandatory. However, the selection of ConEd courses is made largely by the individual architect rather than in response to identified gaps in the architect's knowledge—and compliance is mostly based on time spent rather than on knowledge gained.

In risk management discussions, some architects have expressed concern over the limitations inherent in the currently available post-secondary education options and the requirements for admission to the profession, particularly with respect to preparation for managing a practice. There is considerable debate about whether the profession's standards for entry are appropriate and whether there is enough review regarding the capability currency of knowledge among existing practitioners.

Happily, to date none of these have been subject to the intense scrutiny that has occurred in the UK in the wake of the Grenfell Tower fire.

The OAA, in partnership with the University of Toronto School of Continuing Studies offers a 12-Module program: Fundamentals of Running an Architectural Practice (FRAP) that assists in filling the gap between qualification for licensure (membership) in the OAA and preparation for practice. Satisfactory completion of the program is confirmed by testing at the conclusion of each module.

5. Constructive professional skepticism

The architect displayed unwarranted faith in information provided by manufacturers, suppliers, installers, etc. A September 13, 2024, article in the *Architects' Journal* states the problem succinctly:

That [the architect] appears to have stamped drawings ‘as approved’ speaks more to their naivety than their negligence.

This apparent naivety was reinforced by one of the most damning findings in the report: that the powerful, international businesses that furnished the materials and instructions for their

installation supplied false information. (a topic discussed in greater detail in Episode 4). The fault would appear to lie solely with the suppliers in question, but as the *AJ* article goes on to say, the abrupt substitution of Kingspan K15 for Celotex RS5000 insulation, “without approval by anyone in a position of authority or oversight” ought to have been questioned. Such “authority and oversight” should certainly have been exercised by the architects.

Ultimately, and sadly, what the Grenfell Tower Inquiry calls on those in the construction sector to do is to mistrust one another.

John Hackett’s Insight:

Rather than mistrusting each other, architects, as professionals, should be distinguished from ordinary members of the public, with the expectation that they will exercise “professional skepticism.” Here, as in the UK, architects deal with manufacturers and distributors’ claims regarding products or assemblies being promoted for use on a project that may not be entirely accurate or complete. Failure to carry out a due diligence review and confirmation of the suitability of the product for the use intended can be considered as an “error, omission or negligence,” and failure to meet the standard of care on the part of the architect.

Quoting Ronald Regan, "*Trust…but verify!*"

6. Inadequate test review procedures

Not only was the architect too willing to take the suppliers' word, but they also failed to exercise their authority to test materials, in actual assembly mock-ups, under real-life conditions. This would have established that they would perform "as advertised," in their intended application, with their adequacy or inadequacy then reported to the client.

Quoting Vol. 1, Part 3, 2.37 of the Phase 2 Report:

When it did return to carrying out tests on systems incorporating K15, Kingspan did not use the product currently on the market but used modified or trial versions. It dishonestly relied on the results of those tests to support the sale of K15 for use on buildings over 18 metres in height and continued to do so until October 2020.

John Hackett's Insight:

Perhaps ironically, the Kingspan product and approval cited in the Report was not extensively used on the Grenfell Tower re-cladding. As noted earlier, Celotex RS5000 insulation suddenly replaced it, "without approval by anyone in a position of authority or oversight."

The Report highlights Kingspan's role, as an example of a manufacturer/supplier manipulating test results to obtain a fire resistance rating that was not accurate for the product it was selling. This was cited as an example of dishonesty within the testing and approvals procedures in the UK—a deceitful practice that can scarcely be blamed on the UK architect. However, Kingspan is a major supplier of building products in North America. So for us, the obvious conclusion is that, while Inquiry's mandate did not include testing procedures outside the UK, architects in Ontario and other jurisdictions should take note, and be extra vigilant where product testing is involved.

Similar concerns about inspection procedures have been expressed regarding the misuse of product evaluations by the Canadian Construction Materials Centre (CCMC) in Canada.

7. Procurement culture

The *AJ* article referenced above also criticizes the Report for its failure "to grasp the wider lessons of this tragedy by ignoring the warped procurement culture that encouraged so many awful decisions."

The horrific fire at Grenfell Tower … may emerge as the latest, and most tragic, manifestation of decreasing oversight that architects have been warning about for so long

[…] Design and Build produced a transfer of risk, with the balance of power shifting from the contract administrator (a role most often fulfilled by the architect) to the builder.

Design and build doesn’t just allow a culture of dereliction of responsibility to perpetuate; it positively encourages it.

John Hackett’s Insight:

Ontario architects are familiar with the transfer of authority and diminution of their professional responsibility when they provide services to a builder rather than to the owner of a project under a Design-Build arrangement. For *Infrastructure Ontario* (IO) AFP (P3) projects, the architect and other design consultants are retained by a contractor in a Design-Build arrangement. Builders or other proponents of this approach have become very adept at transferring their business and other risks down onto the design consultants they retain. Witness the extraordinary efforts of *Infrastructure Ontario* and its surrogate *Project Management Service Providers* (PMSPs) to contract out of as much responsibility and liability as possible, coupled with Ontario architects' and Pro-

Demnity's extensive efforts over the past decade to stay informed about what IO's approach means for them.

The latest *Vendor of Record* (VOR) contracts being used by IO's PMSPs that we have seen are 140 pages long—and essentially incomprehensible to anyone other than the authors themselves, and possibly even to them.

Recent controversy over the continuing inability of Metrolinx—a close cousin of Infrastructure Ontario—to deliver projects "on time and on budget" and the sudden resignation of Metrolinx's CEO gave rise to an article in the December 4, 2024 *Toronto Star* written by John Lorinc titled "*Infrastructure Ontario must go*" that suggests that IO's procurement policies have one further disadvantage: rather than saving time and expense, they add to the cost of development:

Only when Queen's Park faces up to this hard truth and jettisons IO's public-private-partnership approach will we get back to a saner and less expensive way of building infrastructure.

8. Coordination of consultants

As a basic requirement, a competent participant in the design process, "in a position of authority or oversight" must assume responsibility for ensuring that their proposed design fits with all other aspects of the project, and that each participant is aware of how their contribution affects the work of the others.

VOL. 1, PART 6, 2.80 OF THE *INQUIRY REPORT* INCLUDES THE STATEMENT THAT:

The Architects failed to ensure that [fire safety consultants] completed the fire safety strategy for the refurbished building or advise [the principal contractor– builder] and the TMO [Tenant Management Organization—the architect's client] that it should be required to do so.

[The Architect] failed to understand that it was responsible for design work carried out by sub-contractors and so did not check [the cladding installers'] designs to ensure that on completion the building would comply with the Building Regulations. It did not devise a proper

cavity barrier strategy or check [the installers’] designs for the cavity barriers, and it failed to produce detailed drawings of the window reveals or to notice that the materials specified for the window (perimeter) infill panels were unsuitable (combustible).

John Hackett’s Insight:

Architects in Canada have ready access to specialist expertise related to code compliance and fire safety provisions. In fact, Pro-Demnity encourages architects to seek out Building Envelope Specialists (see also our Technical Requirements Schedule). Such expertise can be called upon to assist architects and engineers to confirm compliance with codes and appropriate practice. It can also help to arrive at alternate code compliant performance-based solutions for approval by municipal building officials, as part of the building permit approval process. But such expertise is only helpful if it is used, and the specialist’s advice is followed.

The Grenfell Tower Inquiry noted that, inexplicably, the fire safety consultant retained for the project had been overlooked and did not have the opportunity to provide its expertise until it was too late—i.e., at the Inquiry hearings. The inquiry concluded that, if consulted, the fire safety specialist would have recognized the unbroken “chimney effect” created by the (150 mm±) width of the air space between the cladding and the existing exterior wall. Furthermore, since the polyethylene core in the ACM insulated panels was highly combustible, as was the insulation applied to the exterior wall of the existing structure, the chimney enclosure itself was extremely flammable.

As part of their general failure to coordinate and to stay abreast of the project’s mounting problems, the Inquiry concluded that the architect did not keep adequate records. As an *RIBA Journal* article reports:

9. Record keeping

As part of their general failure to coordinate and to stay abreast of the project’s mounting problems, the Inquiry concluded that the architect did not keep adequate records. As an *RIBA Journal* article reports:

Poor record-keeping is strongly [criticized], including the failure to ensure that subcontractors' drawings were complete and accurate, and the endorsement of flawed construction drawings.

John Hackett's Insight:

Maintenance of complete records related to any professional’s services is an essential professional responsibility and valuable risk management tool. A record of “who said what to whom and when” can make the difference in determining whether an architect—and its subconsultants—have met their duty of care to their client and the public, and adherence to the prevailing standard of care.

The next chapter will review the Inquiry’s comments regarding the role of the Architects Registration Board (ARB)—the regulator of the architectural profession in the UK—as well as its findings about the actions and inactions of the building owners, and the contributions of the Suppliers, the Constructors and the London Fire Brigade. Moreover, we will look at findings about the Political, Social and Economic factors and the role of Government Agencies that contributed to the catastrophe.

Chapter 3 — Impact on Society & The Profession

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IMPACT ON SOCIETY & THE PROFESSION

Today’s episode considers the Inquiry’s findings regarding the role of the regulator of the UK architectural profession, the Architects Registration Board (ARB). We also look at the contributions—actions and inactions—of the Grenfell Towers’ owners, the Suppliers & Constructors, and the London Fire Brigade. Moreover, we look at findings about the Political, Social and Economic factors and the role of Government Agencies that contributed to the catastrophe.

THE ROLE OF THE ARB:

Appropriate requirements for architectural registration:

In order to practise architecture in the UK, individuals must satisfy the requirements of the Architects Registration Board (ARB). As in jurisdictions the world over, there are constant, legitimate questions regarding the standards to be met before a licence to practice is granted. The Report makes specific recommendations in this regard.

AS QUOTED IN AN *RIBA JOURNAL* ARTICLE,

The first urges the Architects Registration Board (ARB) and the RIBA to review changes already made to improve the education and training of architects since the tragedy […].

The ARB, meanwhile, has introduced a mandatory scheme for CPD [Continuing Professional Development] applying to all registered architects, and new competency outcomes that all providers of ARB-accredited qualifications must meet.

John Hackett's Insight:

Evaluation of the currency of qualifications of established practitioners has been a challenge in Canada and Ontario. A Practice Review Program is legislated under Section 52 of Regulation 27 of the *Architects Act*.

The program, described as “proactive and preventive” is designed to “support the goals of architects to be efficient, effective and competent.” The Guidelines describe the program thusly:

An integral part of the OAA’s mandate to govern the architecture profession in the public interest, the Practice Review Program furthers the goal of quality assurance whenever architectural services are offered to the public.

These reviews are designed to proactively assess the practice management capabilities of a holder of a Certificate of Practice and to identify any deficiencies that, if neglected, could adversely affect quality of architectural services.

Remedial in nature, the Practice Review Program provides personalized guidance aimed at helping members correct deficiencies with their practice management systems in order to avoid serious non-compliance, competence, or misconduct issues. (underling for emphasis)

It is perhaps too early to decide whether the program’s outcomes achieve these objectives. We can hope so.

The Alberta Association of Architects has recently introduced a Compulsory Building Envelope Continuing Education Program. Hopefully, combustibility of materials and control of fire spread will be included in the curriculum.

As noted in Episode 3, the OAA, in partnership with the University of Toronto School of Continuing Studies offers a program: Fundamentals of Running an Architectural Practice (FRAP) that helps fill the gap between qualification for licensure and preparation for practice.

THE OWNER/CLIENT'S INVOLVEMENT

Taking the occupants' needs seriously

The Royal Borough of Kensington and Chelsea (RBKC, the building owner) failed to consider the well-being of the end-users—their tenants. At the outset, RBKC's main objective appeared to be the improvement of the building's exterior appearance—a factor that had little bearing on the tenants' lives but would be less offensive to the patrons of a nearby community facility.

Health, safety and fire regulations

[T]he TMO [Tenant Management Organization, i.e., the client] must also take a share of the blame for the disaster. As the client, […] paid insufficient attention to matters affecting fire safety, including the work of the fire engineer.

– Vol. 1, Part 6, 2.87

Management-tenant relationship

A SEPTEMBER 4, 2024 ARTICLE IN *THE NEW YORK TIMES* NOTED:

Many residents regarded [the TMO] as an “uncaring and bullying overlord that belittled and

marginalized them, regarded them as a nuisance, or worse, and failed to take their concerns seriously," the report said.

John Hackett's Insight:

Ontario architects will recognize similar complaints reported in the media involving difficult tenant–landlord relationships inherent in municipality-owned publicly assisted housing in major Ontario cities. Architects may be retained to assist in upgrading these projects; however, meaningful involvement of the tenants in the project definition and planning is not assured. Hopefully matters impacting the tenants' quality of life and life safety identified by the tenants themselves are given more attention than was evident at Grenfell Tower.

SUPPLIERS' & CONSTRUCTORS' INVOLVEMENT

Incompetence & dishonesty

One of the most unsettling aspects of the Grenfell Tower fire involved the use of materials that were unsuited to the application and were demonstrably dangerous. As pointed out in the Introduction to the *Phase 2 Report,* the dangerous flammability of the cladding materials should have been obvious to everyone. The shortcomings of all parties involved in the selection and supervision of the cladding materials—client, architect and regulators—cannot be overestimated. Care should have been taken in selecting and testing the cladding materials. The workmanship of the installers was also a significant contributing factor. Their incompetence should have been noted early on, and their work should certainly have been reviewed much more carefully. However, of all contributions to the disaster, one stands out from all the rest: the dishonesty of the suppliers.

One very significant reason why Grenfell Tower came to be clad in combustible materials was systematic dishonesty on the part of those who made and sold the rainscreen cladding panels and insulation products.

— Vol. 1, Part 3, 2.19

Celotex (one of two companies that made the re-cladding insulation] embarked on a dishonest scheme to mislead its customers and the wider market.

— Vol. 1, Part 3, 2.28

The dishonest strategies of Arconic [supplier of the polyethylene core ACM panels through a French subsidiary]and Kingspan succeeded in a large measure due to the incompetence of the BBA [British Board of Agrément—construction certifiers], its failure to adhere robustly to the system of checks it had put in place, and an ingrained willingness to accommodate customers instead of insisting on high standards and adherence to a contract that was intended to maintain them.

— Vol. 1, Part 3, 2.42

John Hackett's Insight:

It is expected that suppliers of building products and systems will want to focus owners', architects' and specifiers' attention on the more positive attributes of the products they manufacture and sell. If an architect is interested in appearance or availability of colours or finishes, those aspects will be the focus of the discussion. Few suppliers' representatives will go out of their way to advise an owner or architect that the product is unsuitable for the intended use, although we are aware of exceptions, including instances where an owner has rejected the supplier's and architect's advice about unsuitability in favour of lower cost or immediate availability.

In these circumstances, architects can be whipsawed between the interests of their client (who pays their fees) and the Public Interest that they are expected to protect—a very difficult situation to navigate but one which, especially in cases pertaining to life safety, must be resolved in favour of the Public, as part of an architect's professional duty. An architect may compromise on some aspects of a design that are unsuitable but preferable to the client (e.g., ease of maintenance, durability, aesthetics), as long as their advice to the contrary is documented. However, they cannot compromise on significant life safety matters and may even need to resign from a project if their client doesn't listen.

As noted earlier, architects are expected to exercise "professional skepticism" with respect to any product supplier's claims recognizing that the supplier's objectives may not be aligned with the architect's duty of care and obligation to protect the Public Interest. Exercising one's professional skepticism is an important risk management tool for architects and their subconsultants.

A Principal Research Officer at the Canadian National Research Council reviewing the *Grenville Tower Inquiry Phase 2 Report* noted how important it was that entities responsible for testing products and assemblies for compliance with required safety standards act "independently"—i.e., "stick to the rules" inherent in the test requirements.

THE INVOLVEMENT OF THE LONDON FIRE BRIGADE

Lack of preparedness

Although it didn't become a municipal service until 1833, the London Fire Brigade (LFB) is more than 350 years old. In all those years, many things have changed but, as the Report makes clear, the LFB had not managed to stay current with building and firefighting practices, and to train firefighting and emergency communications staff to respond effectively. Citing an earlier high-rise fire, the *Report* states:

The Lakanal House fire in July 2009 should have alerted the LFB to the shortcomings in its ability to fight fires in high-rise buildings that revealed themselves once more at Grenfell Tower on the night of June 14, 2017 […]. Importantly, it failed to ensure that in the years immediately preceding the Grenfell Tower fire regular training of a suitable kind was provided to its control room operators on handling many fire survival guidance calls concurrently and on their duties more generally.

— Vol. 1, Part 1, 2.90

Firefighters were not given proper training or guidance on how to carry out inspections of complex buildings and there were no effective arrangements for sharing information about risks posed by particular buildings.

— Vol. 1, Part 1, 2.94

John Hackett's Insight:

In Ontario, architects need to recognize and satisfy the requirements of BOTH the Ontario Building Code and the Ontario Fire Code. The latter establishes minimum requirements for fire safety within and around existing buildings and facilities, including requirements for safe evacuations through the use of fire alarms, fire extinguishers and fire escape routes.

The OFC contains requirements for the construction of buildings with fire-resistant materials (as per code standards) to help lessen fire damage. Of special importance in this context is the

requirement for Fire Escape Plans accessible to all occupants of a residential building.

Although the Municipality's Chief Building Official has the authority to determine which provisions apply where there is a conflict between the requirements of the OBC and OFC, most building Officials defer to the Fire Department, recognizing that in the event of a fire, it is the fire service that has the front-line duty to save lives with the equipment and resources available. Architects (and owners) can find this frustrating, particularly when the Fire Department's enforcement officer demands changes to already constructed facilities at the last minute, in order to secure an occupancy permit. Pro-Demnity regularly sees claims for delay caused by the architect who had not anticipated the Fire Department's position. Such claims can and should be avoided, but we would prefer to see those claims than an Ontario version of Grenfell Tower.

London, UK – July 5, 2017: Memorials to victims of the Grenfell Tower fire disasterin Kensington, London. Among the flowers and messages is a T-shirt from firefighters at Brixton Fire Station, part of the London Fire Brigade.

POLITICAL, SOCIAL AND ECONOMIC CONTRIBUTORS

Political climate:

In a conservative governmental climate, as in the UK in 2017, and the province of Ontario in 2025, there is an emphasis on de-regulation, i.e., reducing governmental “intrusion” into private matters. In the construction arena, this serves the interests of builders, developers and investors who are presumed to oil the wheels of progress and financial prosperity.

However, it often involves paying less attention to rules and regulations that protect public safety. This is particularly important to—and at odds with—the architectural profession, whose “principal object” according to the *Ontario Architects Act*, is to “regulate the practice of architecture … in order that the public interest may be served and protected.” (R.S.O. 1990, c. A.26, s. 2 {2}).

In a September 4, 2024 article, *The New York Times* captures this concern succinctly:

The [UK] government’s deregulatory agenda, enthusiastically supported by some junior ministers and the secretary of state, dominated the department’s thinking to such an extent that even matters affecting the safety of life were ignored, delayed or disregarded.

John Hackett’s Insight:

Quite apart from the political agenda, there are other reasons for authorities to short-circuit regulations. Canada, especially Ontario, faces a severe housing shortage. At the same time the costs of building have soared and excessive layers of regulation, required to meet the necessary standards, have slowed construction, causing costs to escalate even more. There is a concentrated thrust by the building industry, the government and even the design professions to build quickly, cheaply and with greater density.

Aggravating the problem even further, multi-unit residential projects currently account for fully one-third of all Professional Liability Insurance claims against Ontario architects—by far the highest category. Single-family residential (private and development) are the next highest category. Together residential projects account for half of all claims against architects, and about 40 percent of costs to defend and pay damages on behalf of the architects involved. Nothing else comes close.

Socio-economic climate:

Discrimination, in the form of Classism, Racism, Ableism, etc. played a part in the events leading to the fire and in the inordinate loss of life. This factor was not included in the *Report* as a proximate cause of the tragedy, but was evident in some of the poor decisions that led up to it. Tenants' complaints were viewed as the normal grumblings of disenfranchised people. Accordingly, their interests were largely ignored, their fears concerning building safety were disregarded, and standard maintenance procedures were neglected. As noted earlier, in Episode 4, the TMO viewed residents "*as a nuisance, or worse, and failed to take their concerns seriously*."

THE INTRODUCTION TO THE PHASE 2 INQUIRY INCLUDES THE FOLLOWING STATEMENTS:

From the earliest days of the Inquiry there have been those who have asserted that discrimination on the grounds of race or social background played a significant part in the tragedy that befell Grenfell Tower on 14 June 2017. […] Those calls reflected a widely held belief that people of minority ethnic and socially disadvantaged backgrounds were routinely the subject of active discrimination that took the form of making available to them low quality or unsafe housing.

Any examination of social housing policy more widely would have extended that task enormously.

As a result, the Prime Minister decided not to include those matters in the Inquiry's Terms of Reference

We […] have seen some evidence of racial discrimination in the way in which some of those who survived the fire were treated in the days immediately following it at a time when they were at their most vulnerable […]. We have also seen evidence that the TMO failed over the course of years to treat residents of the tower and the Lancaster West Estate, more generally, with the courtesy and respect due to them.

John Hackett's Insight:

Canadians in 2025 are considerably more aware of Diversity, Equity, Accessibility and Inclusion than a decade ago, and of the need to reflect those same values in the built environment. A good example of how our thinking and practices have changed is the new and still emerging replanning and rebuilding of the new and diverse neighborhoods located on the site of the former post-war Regent Park, in Toronto—Canada's first social housing complex.

A December 2016 article in *The Guardian,* "Inside Regent Park: Toronto's test case for public-

private gentrification," published a mere six months prior to the Grenfell Tower fire, provides an interim report on progress of the transformation, as an apparent reversal of an otherwise universal trend to "buy the public housing sites, evict low-income tenants, blow up the old buildings and build mostly new luxury apartments that the original tenants can't possibly afford." By contrast, Regent Park

attempts to shrug off its violent reputation by integrating upmarket living with public housing, it has attracted global attention as a kind of socio-economic experiment in public-private gentrification. For better or worse, this one-time crime haven in Toronto has become a test: can you regenerate social housing without resorting to social cleansing?

Unlike the circumstances at Grenfell Tower and earlier Canadian examples, planning policies and building codes in Canada are now beginning to consider "places of refuge" for tenants/occupants with disabilities to shelter outside their units on each floor until they can be safely evacuated by the fire service in the event of a fire, as noted in the government of Canada document "Planning for Safety," Section 3, Areas of refuge/rescue assistance

Areas of refuge/rescue assistance are required under the Canadian Standards Association's Accessible Design for the Built Environment standard (CAN/CSA B651-04) and these requirements are beginning to appear in building codes. Areas of refuge have successfully been in use in British Columbia for decades.

The role of other government agencies: systemic failures

Such failures include a lack of coordination, a badly defined chain-of-command, poor communication and an overall lack of vision among all branches of authority—in the case of the Grenfell Tower fire, to an almost incomprehensible degree. Further, the need to control the escalating costs of building—a feature that applies to current construction in many jurisdictions and countries throughout the word—has led to an endemic and extreme degree of dysfunction within and between governmental agencies, councils and regulatory bodies, permitting, and even

encouraging, a disregard for the rules in place.

THE INQUIRY *REPORT* CONCLUDES:

The failure of RBKC [Royal Borough of Kensington and Chelsea] to meet the basic needs of those

displaced in the days immediately following the fire demonstrated the need for local authorities to have effective plans in place for providing humanitarian assistance.

— Part 13,113.72

Colin Marrs, UK journalist and Editor of the *Construction News* commented in a September 4, 2024 article "'Serious and longstanding failures': The role of government and regulators in Grenfell fire":

Most importantly, there was a failure to create a climate in which concerns reaching the department about matters affecting safety could be raised with senior officials and frank advice given.

John Hackett's Insight:

Does anyone imagine that the current situation in Canada and Ontario is significantly better? Consider that:

- The provincial and federal governments are currently engaged in the worthy endeavour of “encouraging” the construction of more housing, more quickly, with the inevitable result that some regulations and procedures may need to be sidestepped—with too little concern for the consequences.

- Nowhere is the objective of “better” housing specifically mentioned.

- In 2022, the Ontario government identified an intention to amend the *Building Code* to allow for a single means of exit in four-to-six storey residential buildings as part of its Housing Supply Action Plan. In Toronto, councillors have considered a feasibility report that could make it easier to construct buildings of up to four storeys using only one exit stair, as opposed to the current requirement of two staircases prescribed in the *Ontario Building Code*. At least most (but not all) fire services in Ontario have a reasonable chance of extinguishing a fire in a four- to six-storey wood frame building. Whether the occupants and the firefighters will both be able to survive sharing a single stair access/egress route is another question.

- We anticipate that there may be advocates for further changes to the codes to reduce the current requirement for two means of egress in high-rise buildings to one. If this proves correct, we might conclude that the consequences of a single means of egress (and access for fire fighters) that contributed to the loss of 72 lives at Grenfell Tower, had little impact on those advocating for such a change

Demands for funding support required to help our municipalities meet the demands for necessary infrastructure—water service with adequate flows and pressure—as well as necessary equipment and trained fire fighting personnel to support the political “more housing faster” objectives are always uncertain, competing with every other good idea for the expenditure of public funds, and a political culture of “spend less.”

The next and final chapter will consider the actions and behaviours that architects need to undertake in order to protect themselves, the profession, and society at large.

Chapter 4 — The Duty to Care

CHAPTER 4

THE DUTY TO CARE

Today’s final episode considers the architect’s duty to care about the profession, the people and society at large.

EPILOGUE

Because the Inquiry’s purpose was to discover causes and propose remedies to avoid similar future disasters, most of the news photographs and the media reports have dealt with factual matters and with those individuals who may have contributed to the disaster but have not been directly affected by it. This essential reportage dwells on facts impassively, to the extent possible, as a way of looking ahead to a future in which such events don’t recur. But it is barely half the story.

Much of the Inquiry itself has dealt with the personal experiences of those who were most affected, having lost their families and their homes on June 14, 2017.

THIS PART OF THE ENQUIRY IS EQUALLY ESSENTIAL, BUT IT IS FAR FROM IMPASSIVE. FROM *THE NEW YORK TIMES*, JUNE 24, 2017:

Hassan Ibrahim, who lived in an apartment on the 23rd floor of Grenfell Tower, was traveling outside England the day of the fire. His wife, Rania, and their two small children were not so lucky. As the smoke and flames drifted upward, Ms. Ibrahim debated with a neighbor whether to risk opening her door.

Ms. Hassan was advised by the neighbour, over the phone, to keep her door closed, as the building owners had earlier advised, and to wait for help to arrive. When she opened the door a fraction, she could see that heavy smoke would make escape impossible, so she and her children remained in their apartment, as the fire closed in on them. In her last hurried conversation with the fire services, she said:

We are on the last floor. The last floor is the one that has not caught fire yet … It’s over. It is here

… Pray for us.

The demolition and reconstruction of the Grenfell Towers was to have started “no later than May 2022.” Almost three years after this target date—and seven-and-a-half years after the fire—the Tower’s charred remains are still standing, as a stark reminder of the failures that led to the events of June 14, 2017, and of the lessons not learned in three-and-a-half centuries, since the Great Fire of London.

John Hackett’s Insight:

What can we—architects, and a professional liability insurance company protecting and defending architects—do to help ensure that the circumstances that caused and contributed to the Grenfell Tower catastrophe are not repeated here?

That is a very challenging question without easy, one-size-fits-all answers. But one thing is certain: First, we all need to care about those who rely upon us to do our jobs thoroughly and well.

Perhaps Dr. Seuss was speaking to us at the conclusion of his much-loved 1971 children's story *The Lorax*:

"Unless someone like you cares a whole awful lot, Nothing is going to get better: It's not."

WHAT CAN WE DO? – HOW CAN WE SHOW WE CARE?

"Caring a lot" is part of an architect's professional commitment. But the lessons of the Grenfell Tower fire far exceed what architects can fix, or even influence "in order that the public interest may be served and protected." At the risk of appearing to trivialize the "perfect storm" of events and circumstances that contributed to the Grenfell Tower tragedy, here are a few things that architects can do to demonstrate that our profession does care.

1. Care about the quality of services we provide

One of the most architecturally damning conclusions in the report is that the architect behaved unprofessionally. Accepting a commission at a reduced rate, as a "loss leader," assuming that you can economize by cutting back on services, is a dangerous gamble that too often ends badly.

2. Care about the reasons for codes and regulations

Codes and regulations that lay down basic construction requirements—and the objectives behind the requirements—are readily available. Ignorance of such information can not only slow down the approvals process, it can also endanger lives.

3. Care about the public’s reliance on our skills and experience

Before accepting a commission, be certain that you either have the necessary skills—or that you can engage people with those skills—to execute the work. Be certain that your client has a clear picture of your capabilities. Disappointment can easily lead to claims.

4. Care about continuing education that will improve our capabilies

In addition to honestly evaluating your capabilities, try to expand your wisdom and awareness by taking ConEd courses that fill in your knowledge gaps. This architect’s fault was not just a lack of education in important aspects of running a professional practice, but also the lack of knowing or caring about what he didn’t know.

5. Care enough to check — apply constructive professional skepticism

The Architects were guilty of having unwarranted—perhaps naïve—faith in information provided by Manufacturers, Suppliers, Installers, etc. “Trust but verify.”

6. Care enough to insist on adequate construction review and testing

Be aware of that the risks of building failures increase when you are not on site enough to recognize and intervene when the work falls below a standard that shows we care. Insist upon sufficient compensation, funding and authority to support adequate review and testing. Also, be extremely cautious (skeptical, if warranted) about taking the suppliers’ word, regarding material performance tests. If you’re at all uncertain about the appropriateness of a product in a particular application, exercise your authority to test materials in actual assembly mock-ups.

7. Care enough to challenge the procurement culture

Be aware of the procurement culture you are dealing with. In this case, the architect—and all other participants—failed “to grasp the wider lessons of this tragedy by ignoring the warped procurement culture that encouraged so many awful decisions.” If the procurement process doesn’t appear to reinforce our profession’s ability to “support the public interest,” be prepared to say “NO!”, and stand behind your professional colleagues who care enough to do the same.

8. Care about coordination of the work on the project

In accordance with the objective of “supporting the public interest” and the advocacy of the OAA, architects should assume responsibility for knowing that adequate coordination is taking place throughout the course of the work. Care about the coordination of the consultants—with the architect and with each other. Never assume that someone else is looking after this. They probably aren’t.

9. Care about our own interests as professionals

Good records are evidence of professional care when there is doubt. Time and again, keeping good records makes a huge difference when the inevitable challenges between participants arise. Write everything down, and retain your records for access when problems arise.

10. Care about how we are treated

Caring for the public interest means being concerned about our own contribution. Insist upon being treated as a professional, commensurate with the responsibilities that are inherent in that role.

Take ownership of the basis on which you are prepared to provide professional services and advice to every potential client.

Client-authored contracts for our services often telegraph that the client plans to act badly, requiring you to agree to being treated badly. Be prepared to just say "***NO! … this doesn't work for me, but here is the basis on which I will consider taking you on as a client***," and stick to your position. In Pro-Demnity's experience, far too many architects, far too often, fail to do this, much to their regret.

Disclaimer: