



Neutral Citation Number: [2022] EWHC 1090 (QB)

Case No: QB-2020-002010

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

GRENFELL TOWER LITIGATION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 13/05/2022

Before :

SENIOR MASTER FONTAINE

Between :

Martin Hart and others

Claimants

- and -

Royal Borough of Kensington and Chelsea and others

Defendants

Theo Huckle QC and Christopher Johnson (instructed by **Penningtons Manches Cooper LLP**) for the **Claimants**

Kiril Waite (instructed by **Metropolitan Police Service, Directorate of Legal Services**) for the **Twelfth Defendant**

Hearing dates: 28 April 2022

Approved Judgment

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

.....

SENIOR MASTER FONTAINE

Senior Master Fontaine :

1. This is an application by the Claimants dated 29 March 2022 for disclosure against the Twelfth Defendant. This application is made in proceedings which are part of a number of claims that are being case managed together, all of which arise out of the terrible fire at Grenfell Tower on 14 June 2017, and its tragic consequences. The application is supported by the witness statement of Louise Claire Taylor dated 12 April 2022, and opposed by a witness statement of Tilly Snow dated 20 April 2022. References in this judgment to documents before the court are in the following form: [page number].

Factual and procedural background

2. There are multiple claimant groups in the numerous claims against some or all of the Defendants, over 1000 Claimants in total. The claims have been stayed by order of the court since issue, and only one cohort of 85 claimants (the BLJ Claimants) has served Particulars of Claim. All Claimants except the BLJ Claimants, and all Defendants, are seeking a further stay of the proceedings in order to enter into ADR/mediation.
3. The Claimants (“the PO Claimants”) are 33 police officers with the Metropolitan Police who attended Grenfell Tower at the time of or in the days and weeks following the fire in the course of their duties as police officers and are said to have sustained psychiatric injuries as a result. They claim damages for personal injury and consequential loss and damage against the Defendants.
4. The PO Claimants bring claims in employers liability against their employer, the Twelfth Defendant, the Commissioner of Police of the Metropolis (“CPM”). This is the only claim within the claims being case managed together that is made against the CPM. This disclosure application relates to only 10 Claimants, Licensed Search Officers (“LSOs”), who attended the Tower during the period 15 June 2017 to 20 December 2017, entering the burnt out shell of the building to search through the debris left after the fire.

Jurisdiction

5. The application notice states that the application is for an order for pre-action disclosure and pursuant to paragraph 7 of the Pre Action Protocol for Personal Injury Claims. However, in my judgment an application cannot be made under CPR 31.16 as proceedings were issued on 11 June 2020, although not served, pursuant to stays made by order of the court by consent, so the application is not made pre-action. This was conceded by leading Counsel for the Claimants at the hearing but it was submitted that the court could consider the application either under its general case management powers, including CPR 3.1(2) (m), or specific disclosure under CPR 31.12 or as staged disclosure under CPR 31.13. It was also submitted that the court could apply the principles applicable to pre-action disclosure under CPR 31.16 in the particular circumstances of this application.
6. In my judgment, the court does not have jurisdiction to make an order for disclosure under CPR 3.1(2) (m) in this application. Rule 31.1, setting out the scope of Part 31, states that it sets out rules about the disclosure and inspection of documents, and it would be unlikely that it would have been intended for rule 3.1(2) (m) to give the court

unfettered jurisdiction to order disclosure which might be inconsistent with the threshold requirements contained in those rules.

7. Counsel for the CMP submitted that an application for specific disclosure could not be made prior to standard disclosure having taken place, and that this was made clear from CPR 31 APD.5 which states at 5.1:

“If a party believes that the disclosure of documents given by a disclosing party is inadequate he may make an application for an order for specific disclosure (see rule 31.12).”

8. I consider that I have jurisdiction under rule 31.12 to deal with the application. There is no provision in rule 31.12 which restricts the court from making an order for specific disclosure before standard disclosure has taken place. I accept that standard disclosure before specific disclosure would be the normal course of the disclosure process, but there may be occasions where the parties are not ready to embark on full standard disclosure but where one party seeks specific documents before that process begins. Further, the note in the White Book Volume I at 31.12. 1.1 states:

“An application under this rule may be made at any stage of the proceedings, and particularly at times when the court is likely to be giving directions in any event, such as allocation, case management conference, with the listing questionnaire, or at the pre trial review.”

And at 31.12.2

“The court has a discretion as to whether it makes the order. It may make an order at anytime, regardless of whether standard disclosure has already occurred;

The application was in fact listed to be heard at a case management conference.

9. Although there appears to be no reason why the application could not be dealt with under Rule 31.13, this rule is more likely to be applicable to stages of standard disclosure where there may be a split trial of a particular issue or issues. I do not consider that the application should be dealt with under CPR 31.13. The application was not expressed or intended as a ‘staged’ approach to disclosure, and the rule is not apt for this application.
10. I do not accept the submission at Paragraph 6 of Mr Waite’s skeleton argument that the PO Claimants have made a concession that rule 31.12 is not applicable by paragraph 10 of Ms Taylor’s witness statement [1470]. This is not what she says, and rule 31.12 is specifically relied upon in Mr Huckle’s skeleton argument. In any event, it is a matter for the court to determine whether it has jurisdiction. Accordingly I will deal with the application under CPR 31.12, taking into account all the circumstances of the case, and the overriding objective in Part 1, including proportionality. I consider that I may take into account in relation to all the circumstances of the case, factors in Rule 31.16 which are not inconsistent with rule 31.12.

The grounds for the application

11. Ms Taylor's evidence sets out the basis on which the application is made, which I summarise as follows:
 - i) To investigate liability, as in the ADR process liability issues will need to be determined prior to any settlement negotiations relating to quantum, so the Claimants need the documents sought to particularise their claims for the ADR/mediation process.
 - ii) In circumstances where the CPM has requested further particularisation of the claims made against her, and the PO Claimants are unable to provide that particularisation without the disclosure sought.
 - iii) To assist in clarifying or resolving issues in dispute.
 - iv) The provisional damages claim needs to be investigated and documents requested relating to the Police Officer Claimants' exposure to asbestos are central to this.
 - v) An accelerated approach to obtain the requested documents is required because the PO Claimants were only informed recently that liability issues will be the subject of determination prior to quantum in any mediation.

12. Ms Snow's evidence responds with the CPM's reasons for opposing the application, which I summarise as follows:
 - i) So far the CPM has spent approximately 380 hours in searching and securing documents, and has disclosed more than 1000 pages of documents.
 - ii) The PO Claimants seek extensive disclosure with 34 different classes of documents out of seven identified categories requested; in some respects the disclosure is also oppressive and the relevance of the documents is far from clear, relevance being the overriding test in any application for disclosure, no matter under which rule it is sought.
 - iii) The document sought in the application are the latest of several iterations of disclosure sought from the CPM; each has been far wider in scope than the previous request.
 - iv) The PO Claimants have not set out their claim in sufficient detail to enable the CPM to assess the relevance of the documents sought; the CPM does not know what injuries were allegedly suffered by the LSOs, when those injuries occurred, and what caused their occurrence, which would assist the CPP in identifying the relevant time frame for the requested documents.
 - v) The documents the subject of the application are only the LSOs, who constitute a minority of the PO Claimants, only 10 out of a total of 33; of those 10 Claimants, the legal status of 8 is in dispute, and they are the subject of an extant application by the First and Second Defendants (Royal Borough of Kensington and Chelsea and the Tenants Management Organisation) for their claims to be

struck out; although that application will not be heard until the stay on the claim is lifted. Accordingly proportionality is a relevant consideration.

- vi) It was only when the application was served that the CPM was informed for the first time that the LSOs were seeking disclosure of five classes of documents relating to asbestos, which are said to be relevant as they may have a bearing on any claim for provisional damages. The CPM does not understand how the claim for provisional damages arises in the context of pure psychiatric injuries; the CPM has repeatedly asked the PO Claimants to state what the case is against her/him; If the response is that the extensive disclosure is needed to formulate a case against the CPM, that suggests that the application for disclosure is a fishing expedition.
- vii) The justification for the accelerated approach referred to by Ms Taylor is not justified in circumstances where the PO Claimants were supposed to deliver the ADR settlement packs in January 2022; this was not done and the CPM has now been informed that these will not be ready until the end of the summer;
- viii) It is incorrect that the documents are necessary for the PO Claimants to set out their allegations in negligence against the other Defendants before negotiations could take place: the claim against the CPM proceeds in employers liability, so the case and allegations in negligence against the CPM will be different from those against the other eleven Defendants. It is therefore incorrect that disclosure sought from the CPM is holding up the PO Claimants from setting out their claims against the other Defendants as a prerequisite to ADR; in any event the documents sought would be relevant only to the claims of the 10 LSOs;
- ix) The CPM is prepared to continue working with the PO Claimants to provide disclosure on a voluntary basis, but the disclosure requested goes far beyond what can be considered a reasonable request for disclosure in the context of the pre-action protocol. The Protocol requires parties to provide only key documents. Paragraph 7 of the Protocol states that *“The aim of early disclosure of documents by the defendant is not to encourage ‘fishing expeditions’ by the claimant, but to promote an early exchange of relevant information to help in clarifying or resolving issues in dispute.”*
- x) It is incumbent on the PO Claimants to set out the basis as to why the classes of documents sought are necessary and relevant, and that the disclosure is proportionate, but they have failed to provide a proper explanation for the documents requested to enable the CPM to make proper investigations or to assist in determining the necessity and proportionality of the disclosure sought, despite repeated requests by the CPM.
- xi) Some of the classes of documents sought, even if relevant, are so wide that disclosure would be oppressive e.g. item 22;
- xii) It is questionable whether some of the classes sought would fall within standard disclosure under CPR 31.6 e.g. item 21

Discussion

13. The letter from the PO Claimants’ solicitors to the CPM dated 29 March 2022 [1584] states that the primary reason for the application is as stated in that letter as follows:

“It is, unsurprisingly, anticipated that access to the further disclosure requested will enable further particularisation of allegations against your client, which is what you consider is required.

.....

Finally, if mediation steps do not materialise, the requested disclosure is needed to enable the police officer claimants to plead their claims.”

14. In oral submissions it was also put that the disclosure was required to enable the PO Claimants to investigate liability ahead of the ADR process. Neither CPR 31.12 nor CPR 31.13 prevents a claimant from requesting documents to investigate liability or plead their case. In the particular circumstances I accept that if this had been a pre-action application one of the requirements of r. 31.16 is that disclosure is desirable in order to –

- “(i) dispose fairly of the anticipated proceedings;
- (ii) assist the dispute be resolved without proceedings; or
- (iii) save costs.”

15. The desire to obtain documents to assist in considering liability issues in the proposed ADR/mediation, in order to dispose of claims, where possible, without the proceedings progressing further, would fall within these criteria, in my judgment, or at the very least is a relevant consideration in the exercise of the discretion under CPR 31.12.

16. It is also required in r. 31.16 that the documents sought must be such that would fall within standard disclosure, if proceedings had started. I consider that although this is not a specific requirement in an application under CPR 31.12, it must be a relevant consideration in an application where standard disclosure has not yet occurred. The note in the White Book Volume I at 31.12.2 makes this clear:

“The court will need to satisfy itself as to the relevance of the documents sought, and that they are or have been in the party's control, or at least that there is a prima facie case that these requirements will be met. The relevance of the documents is analysed by reference to the pleadings, and the factual issues in dispute on the pleadings: *Harrods Ltd v Times Newspaper Ltd* [2006] EWCA Civ 294”

17. The primary difficulty with the application is the requirement to demonstrate the relevance of the documents sought to the issues in the case. In this application it is not possible to analyse the relevance of the documents by reference to the pleaded case, because there is only the very briefest description of the claim on the claim form, and

the particulars of claim have not yet been prepared, pursuant to the agreed stay between the parties. In a pre-action disclosure application there is also no pleaded case, but the relevance of the document sought is analysed by reference to the claim as explained in the letter of claim. The PO Claimants rely upon the allegations against the Commission are set out in their letter of 17th November 2021 [1494] to the CPM where they state:

“In general terms, the allegations against the Commissioner are employers liability claims for:

1. Mismanagement and insufficient (or a total lack of) care for the psychiatrically injured Claimants, thus worsening/prolonging their psychiatric effect unconditioned; and
2. Failing to take all reasonable steps for the safety of the officers by sending them into the insecure building with inadequate equipment, subjecting them to fear of injury and foreseeable risks of both trauma and disease

As you know, “settlement packs” are being prepared for each Claimant, which will include witness evidence detailing each officers’ specific circumstances in respect of the above.”

Of these two classes of claim, only the second is relevant to the LSOs.

18. That limited explanation of the claim on behalf of the LSOs put the PO Claimants in some difficulty in addressing relevance of the documents to the issues in the claims. As the CPM has identified, it is difficult to satisfy this requirement where there has been neither a pleaded case nor a properly particularised letter of claim, as that makes the relevance of the documents sought difficult to identify.
19. It has not been explained to the court why the statements taken from the LSOs have not assisted their solicitors’ ability to further particularise their claims; that would usually be the basis on which the causes of action against a particular defendant would be identified. I am told that psychiatric reports dealing with diagnosis condition and prognosis have been obtained for all PO Claimants, so I assume those must also have identified the factual circumstances which have led to the officers developing psychiatric injuries. I was not given a satisfactory explanation as to why a more detailed description of the factual matters relied upon and the likely causes of action arising out of those facts could not be provided.
20. Notwithstanding that, I have attempted to identify from the schedule of document annexed to the application whether any of the documents meet the requirement of relevance, and if so whether the court should exercise its discretion to order that they be disclosed. My conclusions in respect of each document or category of documents are included as a Schedule to this judgment.
21. I have concluded that the application should be dismissed. Although I have concluded that the court has in principle the jurisdiction to consider the application under CPR 31.12, I do not consider that the discretion of the court should be exercised in the PO Claimants’ favour. The reasons for this are largely apparent in the comments in the Schedule to this judgment, but I set out below the reasons applicable generally.

22. The approach to an application for specific disclosure is clear from the title – it is intended to be an application for specific documents or classes of documents, usually where standard disclosure has revealed that there may be other documents missing from standard disclosure or documents which suggest other relevant documents by a train of inquiry. The notes to the rule in the White Book state at 31.12.1 that if a class of documents is specified “*the class should be carefully defined so it is limited to what is relevant and proportionate, and so the disclosing party is in no doubt as to the scope of their obligation.*” See also *Carillion plc v KPMG LLP* [2020] EWHC 1416 (Comm) per Jacobs J at [66]. That has not been the case for many of the documents sought. Orders for documents under rule 31.16 must also be tailored to specific documents: rule 31.16(4)(a). Although Annex C to the Pre Action Protocol for Personal Injury Claims sets out a number of suggested categories of documents in different types of claims that can be requested, that is only for the purposes of example and assistance; it is not meant to be a complete list for every case, and the documents that should be requested should be identified on a case by case basis, depending upon the type of claim and the issues identified in the letter of claim and in the response to the letter of claim. There is a lack of specificity in almost all the requests, and what is sought goes beyond what would normally be included in the scope of the Protocol.
23. The primary reason is that which the CPM has identified, the lack of a sufficiently detailed identified case against the CPM, which makes it difficult, and in certain cases impossible, to show the relevance of the documents sought to the issue or issues in the case. The pre-action disclosure procedure is not in place to enable a claimant to identify if they have a claim at all, but to assist them in further investigating a claim that is already identified and explained, to enable the parties to obtain a better understanding of each other’s position to assist in disposing of or narrowing issues before expensive litigation is embarked upon.
24. Further, the request does not meet any of the tests in CPR 31.16(3)(d):
- “(i) To dispose fairly of the anticipated proceedings;
 - (ii) assist the dispute to be resolved without proceedings, or
 - (iii) save costs”
- because it is framed without having properly set out the PO Claimants’ claims in correspondence or identified the relevance of the requested documents to the issues in the case.
25. The request for disclosure is not proportionate where there are only 10 Claimants at most, and no information has been provided to the CPM to enable any view to be taken as to whether the claims are viable, such as what injuries have been sustained, when the alleged injuries were sustained, how the CPM ought to have known or foreseen psychiatric harm and the likely value of each of the claims. I consider that the CPM has taken a reasonable approach in providing disclosure so far on a voluntary basis and the CPM has confirmed through Counsel that this will be continued.
26. In my judgment the Claimants should continue their work on completing the settlement packs, and in the course of that exercise identify with more detail the claims which each of the LSO Claimants is likely to have, so that an appropriately detailed description of

their claims can be provided to the CPM, and a more focused approach to requests for disclosure.

Costs of the application

27. Counsel for the CPM submitted that rule 46.1 should apply, as the application had been framed as an application for pre-action disclosure, and that the CPM should recover her costs under the general rule in CPR 46.1(2) (a).
28. I have not dealt with the application as an application under CPR 31.16, so I do not consider that rule 46.1 is appropriate for the application, and in any event there will be no costs of compliance. I consider that rule 44.2 is more appropriate to the application and the general rule in CPR 44.2(2)(a) is that the successful party recovers their costs from the unsuccessful party. I see no good reason to depart from that general rule. The CPM made her position clear in correspondence and has repeatedly sought more particulars of the PO Claimants' case. There was no narrowing of the categories of documents sought in response, or attempt to demonstrate relevance of the documents sought to the issues. The PO Claimants should have responded appropriately to the CPM's reasonable concerns, in my judgment. Accordingly the PO Claimants are to pay the CPM's costs of and occasioned by the application.

SCHEDULE

Category 1: Documents relating to video footage and imaging

Number	Disclosure Requested	CPM's Position	Judicial decision
1	<i>Footage or imaging taken of Grenfell Tower ("the Tower") between 15 June 2017 and 20 December 2017 for the purposes of assessing risk or illustrating the risks and dangers involved in entering the Tower</i>	<p>Regarding footage, the CPM made available for viewing at the MPS offices all footage taken during this period – see letter dated 19 July 2021 exhibited at TDS1 [21 - 22]. PMC have not taken up this invitation.</p> <p>Regarding images, many thousands of photographic images were taken of the Tower during the police investigation. The CPM has no objection to disclosure, but the PO/LSO Claimants need to be more specific. The claim is brought in employers' liability against the CPM. What risks or dangers are the subject of the claim? - Tripping risks? Electric shock? Falling masonry?</p>	<p>No order for disclosure of video footage as this has been made available.</p> <p>No order for disclosure of photographic images. The PO Claimants have not demonstrated the relevance of the particular photographs sought. The claims against the CPM to which the photographs relate need to be articulated.</p> <p>It may be helpful if the CPM can investigate how the images are stored/categorised which may assist in identifying relevant documents once the claims are properly articulated.</p>
2	<i>Footage of briefings given to those entering the Tower after 14 June 2017</i>	No disclosure to give – no footage of briefings exists.	No order for disclosure as CPM confirmed no footage exists.

Category 2: Risk assessments of the Tower (not already provided) including

3	<i>“Hazard profiles” (as referred to in the Letters of Response) of the area</i>	No disclosure to give – the CPM holds no separate “hazard profiles” risk assessment documents.	No order for disclosure as CPM confirmed no hazard profiles exist separately to risk assessments that have been disclosed.
4	<i>Ongoing and subsequent review risk assessments (either formal or informally prepared) of the Tower from 17 June to 20 December 2017 completed by the senior health and safety officer assigned to Grenfell Tower</i>	The CPM has provided all iterations of the overarching risk assessments that have been located for this period. If the PO claimants believe there are other risk assessments that would have been specific to the activities that they undertook within that period, they are asked to specify what those risk assessments were to assist the CPM in carrying out any further searches.	No order for disclosure as CPM confirmed all relevant risk assessments have been disclosed.
5	<i>Any risk assessments completed by the London Fire Brigade between 14 June 2017 and 30 December 2017 that were given to Operation Northleigh</i>	This request should be directed to the LFB.	No order for disclosure. The PO Claimants’ evidence is that the LFB have informed them that they do not hold the documents requested but that the CPM does and the request should be directed to the CPM. (Taylor para. 24 [1473]). It is unclear why the LFB have not retained copies of their own risk assessments. I do not know whether the CPM had access to such risk assessments at the time when the LSOs were directed to enter the Tower. If so I consider that the risk assessments carried out by the LFB would be relevant documents. The CPM stated in submissions that Operation Northleigh was a criminal investigation. CI suggest that clarification

			be given by the CPM in correspondence as to the position relating to documents provided in Operation Northleigh..
6	<i>Any risk assessments completed by the Royal Borough of Kensington and Chelsea between 14 June 2017 and 30 December 2017 that were given to Operation Northleigh</i>	This request should be directed to RBKC.	No order for disclosure. Counsel for RBKC explained at the hearing that RBKC did not carry out any risk assessments after the fire, and that these became the responsibility of central government. It is apparent that only post fire risk assessments would be relevant to the claims of the LSOs.
7	<i>Any risk assessments completed by any other third party that you have taken control of</i>	This request needs to be clarified as it is very wide and its relevance is unclear. The request should be directed to the relevant third party.	No order for disclosure. The request is not specific enough to explain relevance.

Category 3: Other documents referred to in the 15 June 2017 risk assessment and to be read in conjunction with it

8	<i>Safe operating procedure documents</i>	The risk assessment referred to was prepared by the MPS and the LFB. Items 8-12 of this category are listed as the documents that <u>any</u> risk assessment must be read in conjunction with. The PO Claimants are requested to be more specific in respect of which 'safe operating documents' disclosure is sought.	No order for disclosure. The request is not specific enough to explain relevance.
9	<i>Standard operating procedure documents</i>	The risk assessment referred to was prepared by the MPS and the LFB. Items 8-12 of this category are listed as the documents that	No order for disclosure. The request is not specific enough to explain relevance.

		<p>any risk assessment must be read in conjunction with.</p> <p>The PO Claimants are requested to be more specific in respect of which 'standard operating procedure documents' disclosure is sought.</p>	
10	<i>Work instructions</i>	<p>The risk assessment referred to was prepared by the MPS and the LFB. Items 8-12 of this category are listed as the documents that any risk assessment must be read in conjunction with.</p> <p>The PO Claimants are requested to be more specific in respect of which 'work instructions' disclosure is sought.</p>	<p>No order for disclosure. The request is not specific enough to explain relevance.</p>
11	<i>Individual work instructions</i>	<p>The risk assessment referred to was prepared by the MPS and the LFB. Items 8-12 of this category are listed as the documents that any risk assessment must be read in conjunction with.</p> <p>The PO Claimants are requested to be more specific in respect of which 'individual work instructions' disclosure is sought.</p>	<p>No order for disclosure. The request is not specific enough to explain relevance.</p>
12	<i>Safe systems of work</i>	<p>The risk assessment referred to was prepared by the LFB. Items 8-12 of this category are listed as the documents that any risk assessment must be read in conjunction with.</p> <p>The PO Claimants are requested to be more specific in respect of which</p>	<p>No order for disclosure. The request is not specific enough to explain relevance.</p>

		'safe systems of work' disclosure is sought.	
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Category 4: Structural surveys of the Tower

13	<i>Dangerous Structures Engineers surveys from 14 June 2017 to 20 December 2017</i>	<p>No disclosure to give – the position is explained in detail in the CPM’s letter dated 19 July 2021 exhibited at TDS1 [21 - 22].</p> <p>In summary the Tower was not under the control of the MPS. The specialist engineers who surveyed the safety and stability of the building were brought in by TMO. The specialist engineers attended daily meetings and provided relevant information as part of daily briefing. This information was also used for, inter alia, the updating of risk assessments.</p>	<p>No order for disclosure. The CPM has adequately explained the position in relation to the information provided by the local authority building surveyors, the Health and Safety Executive, the LFB and principal contractors in the letter of 19 July 2021 [1576].</p>
14	<i>Any other structural surveys completed by the Metropolitan Police relating to the safety of the Tower between 14 June 2017 and 20 December 2017</i>	As above.	<p>No order for disclosure. The CPM has adequately explained the position in relation to the information provided by the local authority building surveyors, the Health and Safety Executive, the LFB and principal contractors in the letter of 19 July 2021 [1576].</p>
15	<i>Any structural surveys undertaken by a third party for the Metropolitan Police between 14 June 2017 and 20 December 2017 (including the London Fire Brigade, The Royal Borough of Kensington and Chelsea, the Ministry</i>	As above.	<p>No order for disclosure. The CPM has adequately explained the position in relation to the information provided by the local authority building surveyors, the Health and Safety Executive, the LFB and principal contractors in the letters of 7 December</p>

	<i>of Housing, Communities and Local Government and any other third parties)</i>		2020 [1558-1565] and 19 July 2021 [1575-6].
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Category 5: Other Documents relating to safety measures

16	<i>Minutes or notes relating to multiagency briefings prior to and after entry to the building</i>	<p>The request is for blanket disclosure and is oppressive. The PO Claimants are requested to be more specific in respect of the disclosure sought. Over which days is the disclosure sought and which agency briefings?</p> <p>The PO Claimants are also requested to set out the relevance of this request.</p>	No order for disclosure. The request is not specific enough to explain relevance. The CPM has adequately explained the position with regard to the involvement of multiparty agencies in the letter dated 7 December 2020 [1558-1565].
17	<i>Documentation detailing ongoing consideration of the safety of officers entering the building including evacuation, check points, protocols for identifying police officers in the event of a building collapse; protocols about moving through units for searching and how to manage rubble / the additional weight of officers etc</i>	The PO Claimants are requested to clarify what is meant by “documentation detailing ongoing consideration of the safety of officers”.	No order for disclosure. The request is not specific enough to explain relevance.
18	<i>Documents relating to any alarm systems or “bug” in place to inform when an evacuation in the Tower is required</i>	Refused. The PO Claimants are required to explain the relevance of this request for disclosure.	No order for disclosure. The request is not specific enough to explain relevance.
19	<i>Documents relating to any system in place to detect motion in the building</i>	Refused. The PO Claimants are required to explain the relevance of this request for disclosure.	No order for disclosure. The request is not specific enough to explain relevance.
20	<i>Documents including details of the information given to those entering the</i>	The PO Claimants are referred to the content of the CPM’s letter dated 7	No order for disclosure. The CPM has adequately explained the

	<i>Tower about what to do in the event of an evacuation and when this was required</i>	December 2020 exhibited at TDS1 [4 - 11]. Briefings were provided by PowerPoint. The PowerPoint document was updated in line with developments. Given its highly sensitive nature, PMC were invited to the MPS offices to view the PowerPoint but have not taken up the offer.	position with regard to the involvement of multiparty agencies in the letter dated 7 December 2020 [1558-1565]. Access to the PowerPoint documents has been provided.
21	<i>Any further documents considering the risk of the collapse of the Tower by including but not limited to a lightning strike, adverse weather, structural integrity, collapse of internal ceilings etc</i>	Refused. The PO Claimants are required to explain the relevance of this request for disclosure.	No order for disclosure. The request is not specific enough to explain relevance.
22	<i>Full details including all emails/memorandums and documents of whatever kind relating to the safety and usage of the Tower</i>	The request is too broad and disclosure would be oppressive as it encapsulates documents of whatever kind. The PO Claimants are asked to be more specific in their request.	No order for disclosure. The request is not specific enough to explain relevance.
23	<i>Details of briefings given to officers entering the tower including to 14 x versions of the PowerPoint referred to in your Letters of Response</i>	See response to 20 above.	No order for disclosure. The request is not specific enough to explain relevance. Access to the PowerPoint documents has been provided.
24	<i>Details of the process to determine what briefings were given to officers</i>	Refused. The PO Claimants are required to explain the relevance of this request for disclosure.	No order for disclosure. The request is not specific enough to explain relevance.

Category 6: Disclosure relating to asbestos

25	<i>Details of lung function tests for each officer</i>	The relevance of this request is not understood.	No order for disclosure. No claims have been
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	<i>and the requests for those to be completed</i>	In any event, the information is contained within the PO Claimants' Optima Health files, copies of which have been provided.	articulated in respect of exposure to asbestos.
26	<i>Any risk assessments or other documentation undertaken in respect of the risk of exposure to asbestos</i>	The relevance of this request is not understood. As per 4 above the CPM has given disclosure of all relevant risk assessments.	No order for disclosure. No claims have been articulated in respect of exposure to asbestos.
27	<i>Any documents detailing how the risk was mitigated including protocols in place, information provided to officers, what protective equipment was provided to officers including masks and clothing and when this was replaced</i>	The relevance of this request is not understood.	No order for disclosure. No claims have been articulated in respect of exposure to asbestos.
28	<i>Details of how the protective equipment changed over time, including the masks provided changed and any documents detailing the rationale for this</i>	The relevance of this request is not understood.	No order for disclosure. No claims have been articulated in respect of exposure to asbestos.
29	<i>Details of any briefings given to officers about asbestos and how often they occurred</i>	The relevance of this request is not understood.	No order for disclosure. No claims have been articulated in respect of exposure to asbestos.
30	<i>Details of the "asbestos bags" provided to officers to collect it when searching the Tower and what risk assessments were undertaken prior to that instruction</i>	The relevance of this request is not understood.	No order for disclosure. No claims have been articulated in respect of exposure to asbestos.
31	<i>Details of any asbestos monitoring equipment used and the data</i>	The relevance of this request is not understood.	No order for disclosure. No claims have been

	<i>collected from that equipment</i>		articulated in respect of exposure to asbestos.
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Category 7: Additional documents requested

32	<i>Expert advice in relation to the safety of the Tower or otherwise between 14 June 2017 and 31 December 2017</i>	The request is already covered by 13-15 above. It appears to be a repetition.	No order for disclosure. No specific documents have been identified and this request duplicates the requests in 13-15 above.
33	<i>Any documentation/correspondence provided to officers relating to the mental health support available to the claimants and when this was made available</i>	The information provided for signposting to mental health services is set out in detail in the CPM's letter dated 7 December 2020 exhibited at TDS1 [4 - 11].	No order for disclosure. No documents in addition to those provided have been identified. Information provided in letter of 7 December 2020 [1562-1565]
34	<i>Any documentation detailing any screening processes completed</i>	The information relevant to this request is set out in detail in the CPM's letter dated 7 December 2020 exhibited at TDS1 [4 - 11].	No order for disclosure. No specific documents have been identified. Information was provided by the CPM in the letter of 7 December 2020 [1562-1565]