

Grenfell Tower: criminal charges delayed, but that doesn't mean there won't be justice

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The campaign continues. Jane Campbell/Shutterstock.

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In the aftermath of the Grenfell Tower fire, which killed 72 people, blame for the tragedy was laid at the feet of local and national governments, the building's management company and the corporations it had contracted to renovate the tower. Two years on, campaigners have reacted with dismay to the news that charges might not be brought until 2021 – meaning that the earliest a criminal trial could take place would be 2022, five years after the fire.

Some seem to believe that the delay in launching prosecutions means that those responsible for the Grenfell tragedy won't face justice, or that authorities are not taking the case seriously. In fact, the amount of time and resources the police are committing to the investigation suggests exactly the opposite.

The police are reportedly considering a range of offences, including very serious ones such as corporate manslaughter. Corporate manslaughter cases take time to investigate properly because the offence is complex and can be difficult to prove.

The long haul

Looking at previous successful prosecutions, on average, it takes three years and one month from the date of a death for a corporate manslaughter case to be investigated, charges brought and the case decided in court. The

longest running case, brought against Cheshire Gates & Automation Ltd over the death of a six-year-old girl, took five years and four months from the date of death to sentencing. What's more, all the previous successful cases have involved only one or two deaths.

Grenfell is a particularly complex case involving 72 deaths, so the investigation was always going to be a lot longer. Apparently, 460 companies were involved in various work at Grenfell Tower over the years, and the police have to analyse over 31m documents, 2,500 pieces of evidence and 2,332 witness statements.

Aside from counter terrorism operations, the size of the investigation is unique, involving 187 police officers and civilian staff. From a legal perspective, it's reasonable to expect that an investigation of this size would take many years: Grenfell would represent, by a very large margin, the biggest and most complex corporate manslaughter case ever brought in the UK.



Metropolitan Police Commander Stuart Cundy attends a hearing during the Grenfell Tower public inquiry. Victoria Jones/PA Images

The police have said they need to wait until the final report of the Grenfell Tower public inquiry is published before charges can be brought. This makes sense, as the inquiry may reveal evidence that is useful to the police. Indeed, the fact that the investigation is taking so long suggests that police are prioritising the investigation, and that they are contemplating the more serious charges campaigners have called for.

Bringing charges

Once the police have finished their investigation, they will hand their file over to the Crown Prosecution Service (CPS), which will decide what charges are brought. It's not yet possible to say exactly what the CPS will decide, since it will depend on what evidence the police have found. But if it does proceed it seems likely that multiple charges will be brought against multiple defendants, as has happened before in various corporate manslaughter cases.

For example, corporate manslaughter charges could potentially be brought against the Royal Borough of Kensington and Chelsea council and the organisation that managed Grenfell Tower. Police have previously said that there are reasonable grounds to suspect these organisations may have committed corporate manslaughter. These organisations could also be charged with health and safety offences. What's more, individuals involved in these or other companies could possibly be charged with health and safety offences, or manslaughter.

To secure a conviction for corporate manslaughter, the prosecution has to prove the organisation was grossly negligent and that this led to the deaths during the fire. Gross negligence means that the level of care the organisation gave the victim fell far short of what could reasonably be expected. The prosecution will also have to prove that the organisation's senior management played a substantial role. This is the key part of the police investigation, as it is often difficult to prove the involvement of senior management where the organisation in question is large and complex – like a local authority.

There have only been 26 corporate manslaughter convictions since the offence was introduced 11 years ago, and almost all of them involved small companies. The CPS has failed to secure convictions in some corporate manslaughter cases in the past, so the police will want to ensure the evidence is as strong as possible.

Justice for Grenfell

If an organisation is found guilty of corporate manslaughter in the Grenfell case, it could receive a fine of millions of pounds – perhaps the biggest in the history of the offence. Individuals could face personal fines or be imprisoned if they are found guilty.

At this time, the police are between a rock and a hard place. If they had rushed to bring prosecutions, they might not have been able to secure all the evidence needed. If the defendants were then found not guilty, the police would have been blamed for botching the investigation. But they are also facing criticism for taking the time they need to carry out a thorough investigation, in order to give any prosecution the best chance of success.

The delay in bringing charges is understandably frustrating, but hasty prosecutions could lead to those at fault being found not guilty and escaping punishment. The police and CPS need to be given time to do their jobs properly to ensure justice is done for the victims of Grenfell.

A social psychologist explains how authorities can regain survivors' trust after Grenfell Tower fire

Who is responsible for the Grenfell Tower fire? Finding an answer may be the hardest battle