



Factsheet on the Attorney General's undertaking to The Grenfell Tower Inquiry

What does the undertaking mean?

The undertaking means that any individual who gives evidence to the Inquiry (in Phase 2, Modules 1 to 3) cannot have that evidence used in any prosecution against them in the future. It does not cover corporates which means that evidence given to the Inquiry can be used against them in any future prosecution.

Why are corporates not covered by the undertaking?

The Attorney General was not convinced that this was in the public interest. No application for an undertaking was made by a corporate entity nor have any representations from corporate entities been received by the Attorney.

Does the undertaking mean immunity from prosecution?

No, the undertaking does not provide immunity from prosecution against anyone (whether individuals or corporates) and the Attorney concluded it will not jeopardise the police investigation or prospects of a future criminal prosecution.

What does 'acting in the public interest' mean?

The Attorney General performs several duties in the public interest, independently of Government. The public interest in this case includes considering:

- The importance of the public inquiry finding out what caused the tragedy at Grenfell, and making recommendations so that a similar tragedy does not happen again.
- The ability for prosecutors and investigators to access and rely upon all relevant material so that they can bring those responsible to justice.

Did the government have a say in the Attorney General's decision?

No. The Attorney General acts independently of government when performing functions in the public interest, separate and distinct from her role as the government's chief legal advisor.

What happens now?

The undertaking has now been granted to the Inquiry so that it can continue hearing evidence from witnesses.

Whose views were taken into consideration in making the decision?

The Attorney General made the decision in the public interest. She considered the formal representations made to her office including those made by those representing the bereaved, survivors and residents. The Director of Public Prosecutions, Metropolitan Police Service and Health and Safety Executive were all consulted in reaching this decision.

How rare is it to grant an undertaking?

Previous Attorneys General have granted undertakings, for instance in the context of the following Inquiries: the Stephen Lawrence Inquiry, the Bloody Sunday Inquiry, the Ladbroke Grove Inquiry, the Robert Hamill Inquiry, the Rosemary Nelson Inquiry, the Baha Mousa Inquiry, the Al Sweady Inquiry, the Azelle Rodney Inquiry, the Iraqi Fatalities Investigations and the Undercover Policing Inquiry.

What is the legal basis for this request?

A witness at an Inquiry is entitled to refuse to give evidence, if that evidence would tend to incriminate them in future criminal proceedings. That means anything that might be used against them in a future prosecution. This is known as “the privilege against self-incrimination”. This is set out in section 14 Criminal Evidence Act 1968 and section 22 Inquiries Act 2005. The issue for the Inquiry was whether to permit that possibility or to obtain answers from witnesses with the condition that the evidence could not be used in a future prosecution of them.

What type of evidence is covered by the undertaking?

Only oral evidence is covered by the undertaking. Any documents considered by the Inquiry are not covered and so can be used in any future prosecution. Also, as noted above, the undertaking does not cover corporates which means that oral evidence given to the Inquiry can be used against them in any future prosecution.