



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

What does this undertaking mean?

In broad terms, the undertaking means legal persons **cannot refuse to answer questions** on the basis that to do so would risk self-incrimination, which is a right granted to them in law. It also means that their answers cannot be used in evidence in any future prosecution against them.

What are legal persons?

A legal person is an entity which, like an individual person, has its own legal obligations and rights. Examples of what can amount to a legal person include a limited liability partnership or an incorporated company¹.

Why has the Attorney General granted the extension to the undertaking?

A number of legal persons have stated that they will assert their right against self-incrimination by refusing to answer questions from the Inquiry if the extended undertaking is not granted.

The Attorney General has granted the extension to the undertaking to give the Inquiry the best chance of establishing the full truth about the circumstances of the Grenfell Tower fire, as soon as possible.

Does the new undertaking mean that companies won't be prosecuted for their role in the fire?

No. The undertaking, in both its original and its extended form, **does not provide any form of immunity from prosecution to any person whatsoever**. The Attorney General has concluded that extending the undertaking will not jeopardise the police investigation or the prospects of a future criminal prosecution.

What type of evidence does the undertaking cover?

The undertaking only covers oral evidence. Written evidence is not covered so any documents considered by the Inquiry can be used in any future prosecution.

How is it different from the last undertaking?

The first undertaking protected the oral evidence of individuals; this second undertaking protects the oral evidence of legal persons.

¹ Including these examples **does not** mean that the Attorney General accepts that any such entity has the relevant right in the context of the Inquiry. The terms of the extension to the undertaking go no further than the protection a legal person has according to law.

Why didn't the first undertaking cover them?

Previously, no legal person had sought the protection of the undertaking or indicated an intention to seek to claim privilege against self-incrimination.

Do you expect to receive any further requests for undertakings?

The Attorney General hopes this undertaking is the last that is needed for the Inquiry to complete its work to establish the truth about the fire.

Why is the Attorney General involved?

The Attorney General is carrying out her role as Guardian of the Public Interest. This is completely independent of her role in the Government and means the Government has no say in how her decision is made. The Attorney General makes decisions like these in the public interest.

Whose views did the Attorney General consider in making her decision?

The Attorney General reviewed representations from interested parties including the Crown Prosecution Service, police and victims groups. Victims and their loved ones were at the forefront of the Attorney General's mind when making this decision.

What process was undertaken in order for the Attorney General to come to this decision?

After the first undertaking was granted and announced, a second request was lodged with the Inquiry on behalf of legal persons.

The Panel decided that in order for the Inquiry to properly carry out its work to establish the truth about the circumstances of the fire, a request for an extension of the undertaking needed to be made.

The request for the extension to the undertaking was received by the Attorney General and her office and submissions from interested parties on whether or not to grant the extension were then invited.

The Attorney General's Office received a number of submissions. They included submissions from victims groups, on behalf of various interested legal persons, the Crown Prosecution Service and the Metropolitan Police all of which the Attorney General duly considered. She also considered whether or not the extension is in the public interest.

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.