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Rt Hon Sir Martin Moore-Bick  
Chairman, Grenfell Tower Inquiry

[www.gov.uk/ago](http://www.gov.uk/ago)

By email

26<sup>th</sup> February 2020

Dear Sir Martin,

**Re: Grenfell Tower Inquiry – Request for Attorney General's undertaking**

Thank you for the letters of 7, 20 and 24 February 2020 from the Inquiry, to my predecessor and this office respectively.

In making this decision I have had the victims of the fire, and all those affected by it, at the forefront of my mind. I know that the issue of an undertaking can only have caused further anguish. I have considered the issue of an undertaking both as a matter of urgency and with the care required for me to make my decision in the public interest.

I have taken into consideration the content of those letters and the ruling of the Inquiry of 6 February 2020, all representations received by this office and the observations of the Director of Public Prosecutions, the Metropolitan Police Service and the Health and Safety Executive.

In reaching my decision, I have also had regard to six factors:

- The likelihood of the privilege against self-incrimination being engaged/raised in Modules 1, 2 and 3 of Phase 2 of the Inquiry.
- The alternative options to mitigate this risk.
- The Inquiry's terms of reference.
- The wider public interest in the Inquiry.
- The impact (if any) on both the criminal investigation and any potential criminal prosecutions;
- The overall public interest.

I have concluded, on the information available at present, that the application of those six factors to the position of natural persons and legal persons is not the same.

Balancing the strong interest in the Inquiry receiving substantive answers to the questions it has and the important wider public interest in the Inquiry with my conclusion that an undertaking that covers natural persons will not impact on the ongoing criminal investigations and will not jeopardise any criminal prosecutions, I consider that the provision of an undertaking in the following terms is in the public interest:

- "1. No oral evidence given by a natural person before the Grenfell Tower Inquiry ("the Inquiry") in Modules 1, 2 and 3 of Phase 2 will be used in evidence against that person in any criminal

proceedings or for the purpose of deciding whether to bring such proceedings save as provided in paragraph 2 herein.

2. Paragraph 1 does not apply to:
- (a) a prosecution in which that person is charged (however charged) with having given false evidence in the course of the Inquiry or with having conspired with or procured others to do so; or
  - (b) a prosecution in which that person is charged with any offence under section 35 of the Inquiries Act 2005 or with having conspired with or procured others to commit such an offence."

However, I am not satisfied that the public interest favours an undertaking that also covers legal persons, in the terms requested. The likelihood of the privilege being engaged or raised must be seen in the light of the absence of representations seeking it on behalf of a corporate entity, either in the application to the Inquiry or since. The Inquiry is not actively seeking evidence from corporate entities in their own right and considers that it can obtain all the evidence it needs from individuals. I have further concluded that granting the undertaking in the terms sought as to legal persons may create further practical difficulties for the criminal investigation and prosecution.

Yours sincerely

A handwritten signature in black ink, reading "Suella Braverman". The signature is written in a cursive, flowing style.

**RT HON SUELLA BRAVERMAN QC MP  
ATTORNEY GENERAL**