



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

### **Why has the proposed undertaking been requested?**

Some witnesses, who will give oral evidence in their capacity as an individual, but also as a company (a legal person), have said they will or are likely to exercise their right against self-incrimination, and not give oral evidence to the Grenfell Tower Inquiry, unless that evidence is protected by an undertaking from the Attorney General.

### **What does the proposed undertaking mean?**

The undertaking requested means that any individual who cannot be distinguished from their company and gives evidence to the Inquiry **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 prosecution against them or the company from which they are indistinguishable, in the future.

### **Could the new undertaking mean that these companies won't be prosecuted for their role in the fire?**

No, neither the previous or the proposed undertaking provide immunity from prosecution against anyone (whether individuals or corporations). The Attorney General has been clear that she would not do anything which jeopardised the police investigation or the prospects of a future criminal prosecution.

### **What type of evidence would the proposed undertaking cover?**

The proposed undertaking would cover oral evidence. Written evidence is not covered.

### **How is it different from the last undertaking?**

The first undertaking protected the oral evidence of individuals; the proposed extension would protect the oral evidence of companies.

### **Who does it cover?**

Legal persons in the proposed undertaking would apply to people who cannot be separated from their company, for example sole traders, partners or senior directors.

The Panel of the Grenfell Tower Inquiry has decided, for the Inquiry to properly carry out its work to establish the truth about the circumstances of the fire, that it should ask the Attorney General to extend the undertaking, either to cover Osborne Berry Installations Ltd, Harley Facades Ltd, Arconic Architectural Products SAS and C S Stokes and Associates Ltd, or to legal persons in general.

**Why didn't the first undertaking cover them?**

This is the first time that legal persons have requested an undertaking. The Panel has decided in the light of that, for the Inquiry to properly carry out its work to establish the truth about the circumstances of the fire, to request an extension of the undertaking.

**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 will the Attorney General consider in making her decision?**

The Attorney will review submissions from interested parties including victims groups. Anyone can make representations about the undertaking. These should be sent by email to [AGO.Correspondence@attorneygeneral.gov.uk](mailto:AGO.Correspondence@attorneygeneral.gov.uk) by 5pm on 7 May 2020.