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General's
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Rt Hon Suella Braverman QC MP
Attorney General

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Kate Eves
Chair, Brook House Inquiry

By email

11 January 2021

Dear Kate,

Re: Brook House Inquiry – request for an undertaking by the Attorney General

Thank you for your letter of 23 November 2020.

I have taken into consideration that letter and the representations received by my office, as well as the observations of the Director of Public Prosecutions and the Chief Constable of Sussex Police, in making my decision.

In reaching that decision, I have had regard to the following factors:

- The likelihood of the privilege against self-incrimination being engaged/raised;
- 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.

There is a strong public interest in the Inquiry receiving full and frank answers to the important questions it has from all of those required to give evidence, so that it may do such things as make findings about allegations of mistreatment at Brook House and whether that could have been prevented. I am satisfied that granting an undertaking will assist the Inquiry. I am further satisfied that this undertaking will not jeopardise or unduly hinder any criminal investigation or prosecution. Those considerations lead me to conclude that the provision of an undertaking in the following terms is in the public interest:

It is undertaken that, in respect of any legal or natural person who provides evidence to the Inquiry relating to a matter within its terms of reference, whether oral evidence, any written statement made for the purposes of the Inquiry, or any document, information or thing made preparatory to giving evidence or otherwise created for the purposes of the Inquiry by that person:

1. *No such evidence will be used in evidence against that person in any criminal proceedings or for the purpose of investigating any criminal offence or deciding whether to bring criminal proceedings, unless the evidence is to be used or considered in such proceedings as are referred to in paragraph 2 herein.*

2. Paragraph 1 does not apply to:

- (i) A prosecution where the person is charged with having given false evidence in the course of this Inquiry or having conspired with or procured others to do so, or
- (ii) Proceedings where the person is charged with any offence under section 35 of the Inquiries Act 2005 or having conspired with or procured others to commit such an offence.

Finally, nothing in this undertaking operates so as to provide immunity against prosecution for any criminal offence.

I add that while I accept that, as a matter of legal principle, a legal person can invoke the privilege against self-incrimination, the reference in the undertaking to legal persons does not in any way constitute or reflect any acceptance or agreement on my part that any such right (on the part of a legal person) may in fact arise in the course of the Inquiry. A legal person will only have the protection of this undertaking if and to the extent that, as a matter of law, it would have had a relevant right to invoke such privilege. Accordingly, the terms of this undertaking reflect, and go no further than, the protection any person may have according to law.

*Yours sincerely
Jella Braerman*

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