

16 February 2026

[I/S]

Browne Jacobson LLP

By email only:

[I/S]

Dear [I/S] Gerard,

Rule 9(26) Request and Section 21 Notice under the Inquiries Act 2005

This letter is sent further to the Inquiry's Rule 9(26) request and accompanies a Notice issued by the Chair in respect of the same pursuant to section 21(2) of the Inquiries Act 2005.

This letter sets out the procedural history of Rule 9(26), the extensive engagement between the Inquiry's Legal Team and EPUT, the multiple extensions granted at EPUT's request, and the Chair's reasons for exercising her powers pursuant to section 21 of the 2005 Act.

1. The Inquiry issued the Rule 9(26) request on 18 August 2025, with a 4-week deadline of 15 September 2025.
2. During a weekly meeting between legal teams on 19 August 2025, EPUT's legal representatives indicated that they may request an extension in respect of the response to R9(26).
3. During a weekly meeting between legal teams on 26 August 2025, EPUT's legal representatives indicated that there was a plan in place in relation to responding to R9(26), including utilising Relativity, but that there may be challenges in meeting the deadline. The Inquiry legal team acknowledged that R9(26) was a weighty request, and appreciated that EPUT had a plan in place to respond to it in the most comprehensive way possible.
4. During a weekly meeting between legal teams on 2 September 2025, the Inquiry requested that EPUT's legal representatives provide a timetable in relation to outstanding R9 responses, including R9(26), by the middle of the following week (i.e 10 September 2025).

5. On 9 September 2025, the Inquiry emailed EPUT's legal representatives, reminding them of the need to provide a timeline by mid-week (i.e the following day).
6. During a weekly meeting between legal teams on 16 September 2025, EPUT's legal representatives indicated that they had started work on the response to R9(26) but were not in a position to set down a timeline for completion yet.
7. On 25 September 2025, the Inquiry emailed EPUT's legal representatives, asking for a substantive update on the progress made in relation to the R9(26) response, and to provide a proposed timescale by the close of business on 26 September 2025.
8. During a weekly meeting between legal teams on 30 September 2025, EPUT's legal representatives indicated that good progress was being made in relation to the R9(26) response, and requested an extension of time to mid-December. The Inquiry indicated that EPUT should make this request in writing but that it would likely be accepted.
9. On 4 November 2025 the Inquiry confirmed in writing that the response for R9(26) was required by 17 December 2025.
10. During a weekly meeting between legal representatives on 18 November 2025, the Inquiry noted EPUT's difficulties in relation to obtaining sign off for the response to R9(27) and R9(26) due to the signatory having a family wedding abroad. The Inquiry made clear that receipt of both responses by 31 December 2025 was essential, as the Inquiry's work in relation to 'Governance and Oversight' was materially dependent upon those responses, and cannot effectively progress in their absence. Further delay would risk prejudicing the Inquiry's timetable and its ability to fulfil its Terms of Reference.
11. Weekly meetings between legal representatives continued, including on 9 December 2025, and at no point did EPUT's legal representatives indicate there would be any issue in meeting the 31 December 2025 deadline.
12. On 12 December 2025, EPUT's legal representatives emailed the Inquiry to inform us that the final response would be provided by 9 January 2026, with various sections to be completed and provided by 17 December 2025. The reason provided for this request was 3 unannounced CQC inspections at various EPUT sites over the previous 2 weeks which required intensive resource.
13. During a weekly meeting between legal teams on 16 December 2025, the Inquiry indicated that the extension request to 9 January 2026 was disappointing, given that the 'Governance and Oversight' R9 is contingent

- upon receiving EPUT's response to R9(26). EPUT's legal representatives acknowledged the importance of the response to R9(26) but explained that illness and unavailability of relevant personnel had affected their ability to take instructions.
14. On 14 January 2026, the Inquiry chased EPUT's legal representatives via email for a final upload of the response to R9(26), and associated exhibits.
 15. During a meeting between legal teams on 15 January 2026, the Inquiry indicated that a chaser email was sent the previous day and the R9(26) response is due. EPUT's legal representatives indicated that progress had been made on every section, but no section was quite complete. EPUT were confident that the full response would be sent to the Inquiry by the end of January.
 16. On 3 February 2026 the Inquiry sent a letter to EPUT's legal representatives via email, stating that the final draft must be uploaded by 10am on 9 February 2026.
 17. At 10.04am on 9 February 2026, after the deadline had expired, EPUT's legal representative informed the Inquiry that the deadline would not be met and that an update would be provided *'as soon as possible on when these Rule 9s will be ready for upload.'*
 18. The Inquiry emailed EPUT's legal representatives on 10 February 2026 and stated that deadlines must be proposed by 4pm that day.
 19. EPUT's legal representatives responded by way of email at 3.19pm on 10 February 2026 stating in respect of R9(26) that *'Inquiry submission will be made on 27.02.2026.'*
 20. The Inquiry emailed EPUT's legal representatives on 11 February 2026 stating that this position was unsatisfactory and the response to R9(26), including associated exhibits, must be provided by 20 February 2026.
 21. On 13 February 2026, EPUT's legal representatives sent an email to the Inquiry which included the following response in relation to R9(26) *"Rule 9(26) is a large undertaking and we are still of the view that this will not be ready for submission until 27 February."*
 22. The Chair has carefully considered the full chronology of this request, the repeated extensions granted, the assurances provided but not met, and the subsequent failures to comply with revised deadlines including those proposed by EPUT. In light of that history, the Chair is satisfied that there is a real and substantial risk that a complete and compliant response will not be provided even by 27 February 2026 absent the exercise of statutory powers.

23. The Inquiry cannot reasonably accommodate further delay without undermining the integrity of its investigative timetable and the efficient discharge of its statutory functions. The Chair has therefore determined that it is necessary and proportionate to issue a notice pursuant to section 21(2) of the 2005 Act requiring EPUT to produce a witness statement and accompanying exhibits that provide a complete, comprehensive and sufficiently detailed response to Rule 9(26) **by 27 February 2026.**
24. The Chair is satisfied that both the underlying Rule 9(26) request and the decision to issue a section 21 notice at this stage are reasonable, necessary and proportionate, and plainly in the public interest, given the significance of the information sought. The material requested is central to the Inquiry's investigation into the deaths of individuals who died whilst under the care of EPUT. Timely receipt is required to ensure that the Inquiry can fulfil its Terms of Reference effectively, expeditiously and without incurring unnecessary public expense.
25. The Chair will also consider, in due course, whether oral evidence may be required in relation to EPUT's handling of Inquiry's requests, including the reasons for delay, and the systems and governance arrangements underpinning its responses.

Yours sincerely,

[I/S]

Arpeeta Barua
Deputy Solicitor to the Inquiry
Encs