

3 February 2026

[I/S]

Browne Jacobson LLP

By email only:

[I/S]

Dear [I/S]

Rule 9 Prioritisation

I write further to our recent discussions and to the Inquiry's ongoing engagement with EPUT in relation to the provision of evidence.

This letter sets out the Inquiry's current priorities, provides forward visibility of anticipated evidence requests to the extent that is possible, and seeks assurance as to EPUT's ability to resource and deliver complete and timely compliance with those requests.

Please find enclosed two annexes which set out the detail of outstanding and new Rule 9 requests and an indicative forward look. These annexes do not and cannot take account of further follow-up Rule 9 requests that may properly be required upon receipt, review and testing of responses already outstanding or received to date, which form an inherent part of the Inquiry's investigative process.

Statutory context and scope

As you are aware, the Inquiry's evidence-gathering is a statutory and investigative process undertaken pursuant to, and in order to meet its Terms of Reference. The volume, form and sequencing of requests reflect EPUT's (and predecessor trusts') central involvement as the primary providers of mental health care in Essex, in the matters under investigation and the Inquiry's published [Statement of Approach](#), including its approach to investigating illustrative cases.

The Inquiry's and EPUT's legal teams have maintained regular meetings throughout the Inquiry's evidence-gathering period so far, during which work

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priorities, anticipated Rule 9 requests, disclosure timetables, and resourcing issues have been discussed on an ongoing basis. During those discussions, EPUT has, on occasions, raised the practical implications of certain requests, including where responses require collation, analysis or explanation of information rather than the provision of documents alone.

The Inquiry recognises that the manner in which Rule 9 requests are framed may, in some instances, have resource implications. However, such requests are made where it is necessary to understand the provenance, development and application of certain material relevant to the Inquiry's statutory investigations. Whilst the Inquiry is mindful of the need to adopt a proportionate approach to its evidence-gathering, material held by EPUT is central to the Inquiry's investigations and EPUT must ensure that it commits the resources required to provide timely and comprehensive responses to requests issued within the scope of the Inquiry's Terms of Reference.

Current position and compliance to date

To date, the overwhelming majority of Rule 9 requests issued to EPUT have been subject to (multiple) extension requests and/or partial or staged disclosure. The Inquiry has shown flexibility, but this pattern of response has undermined the Inquiry's confidence in EPUT. Furthermore, incomplete compliance by an agreed deadline – for example, the provision of some documents but not all documents falling within scope - materially frustrates the Inquiry's ability to analyse evidence, progress investigative lines and plan next steps (including follow up Rule 9 requests) efficiently and effectively.

For the avoidance of doubt, the Inquiry considers compliance to mean the provision of all material falling within the scope of a request by the applicable deadline, rather than stages or piecemeal disclosure to which we have agreed, when appropriate, in order to facilitate timely provision of important evidence.

Prioritisation and forward look

In order for EPUT to meet the Inquiry's expectations, deliver what it requires to discharge its Terms of Reference and meet its timetable, the Inquiry has grouped its Rule 9 requests in order of priority, at **Annex A**. These include outstanding requests and, as discussed with [I/S] on Friday 30 January 2026, 23 further investigative Rule 9 requests issued today. These further requests are predominantly document-focused requests and do not require narrative statements on the provision of corporate knowledge. The Inquiry does not consider that responding to these requests should materially impact EPUT's ability to progress existing Rule 9s that do require such input.

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For all Rule 9 requests where the original or extended deadline has now passed, the Inquiry asks that responses are provided by no later than **10:00, Monday 9 February 2026**. Deadlines for Rule 9 requests which have not yet passed remain the same, and as per Annex A below.

The Inquiry has also provided, at **Annex B**, an indicative forward look, aligned to its investigative plan and the indicative hearing timetable referenced at the conclusion of the [Chair's December response](#).

There are, however, inherent limits in forward planning in an investigative process, as further lines of enquiry necessarily and inevitably emerge from the evidence received. The forward look therefore represents the maximum visibility the Inquiry is able to provide at this stage, without risking duplication or omission.

Timely and complete compliance with prioritised Rule 9 requests is now critical to the Inquiry's ability to prepare and deliver the content for the July hearing and to achieve the wider hearing timetable that has been published.

Failure to meet agreed deadlines, places not only the July hearings, but the overall timetable at risk. That risk is now material, having regard to the volume of outstanding and anticipated requests, the pattern of missed and extended deadlines to date, and the lead time required for the Inquiry to analyse evidence, seek expert opinion where required, and prepare for hearings. Mitigation therefore requires timely, complete compliance with existing deadlines and realistic assurance as to delivery going forward.

Assurance sought

The Inquiry is now seeking assurance from EPUT that it is able to meet the Inquiry's requests for evidence to the deadlines stated in the two annexes, or, where this assurance cannot be provided, a clear explanation of what action EPUT is taking to ensure that it is able to do so e.g. securing additional resources.

From April onwards, the Inquiry will be issuing Rule 9 requests in preparation for the October Hearing. Further assurance is therefore required that EPUT will manage and meet the cumulative and rolling resource demands arising from the Inquiry's ongoing investigative work, in order to meet future deadlines.

The Inquiry is aware that EPUT has previously raised concerns about the demands associated with narrative responses, including difficulties with the availability of corporate knowledge, and the ability to undertake analysis, particularly over legacy systems where matters pre-date EPUT or relate to predecessor organisations.

Where a request seeks contextual or analytical evidence, this reflects the Inquiry's assessment that such information is required. If and where such limitations exist

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in providing such evidence, these should be set out clearly and transparently within EPUT's responses, rather than by seeking to predefine or restrict scope at the outset. This enables the Inquiry (and ultimately the public) to understand the evidential position, assess the weight to be attached to the responses, and determine what further steps may be required.

Any assurances provided must be grounded in realistic and achievable plans. The Inquiry cannot rely on assurances which are not subsequently met.

Section 21 re Rule 9(45)

We acknowledge the work undertaken to provide EPUT's response to the Inquiry's Rule 9(45) request, which was the subject of a Section 21 Notice issued by the Chair on 20 January 2026. The response has been reviewed and we note that further detail has been provided in line with the various discussions between legal teams and the Inquiry's letter accompanying the Section 21 Notice. Although some requested detail is still missing from the List of Documents provided, the Inquiry is now able to progress its investigations meaningfully on the basis of the information given, and – as previously indicated – will issue targeted Rule 9 requests to EPUT in respect of individual cases.

We now require a further iteration of the spreadsheet to be provided by **16:00, Tuesday 27 February 2026** with the professional positions of each staff member recorded, where known, in accordance with paragraph 16(b)(i) of the letter which accompanied the Section 21 Notice. A further statement from Christopher Brooks-Daw is only needed for the purpose of exhibiting the updated List.

Should the Inquiry encounter similar issues in respect of outstanding or future Rule 9 requests as those encountered with Rule 9(45), the Chair will consider again exercising her statutory powers. Where deadlines are missed or incomplete responses are provided by EPUT, Section 21 Notices may be issued to the Trust without notice.

Transparency

Given that EPUT's ability to engage with the Inquiry is central to the Inquiry's ability to discharge its statutory duties, the Inquiry may need to refer publicly to this correspondence, and future communications concerning EPUT's compliance with evidence requests in order to explain delays or risks to the Inquiry's timetable.

The Inquiry remains committed to working with EPUT and their legal representatives to achieve such engagement, but must do so within the framework of its statutory obligations and published approach.

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We look forward to receiving the assurances sought above and/or any further explanation by Friday 13 February 2026. .

Yours sincerely,

[I/S]

Arpeeta Barua
Deputy Solicitor to the Inquiry
Encs

Annex A

Please see the table of Rule 9 requests below that are outstanding.

* those which have been subject to extensions

** those that are subject to repeat extensions

*** those which are overdue

As is set out in the body of the letter above, for all those where the deadline has passed, please ensure responses are provided by no later than 10:00 Monday 9 February 2026.

Rule 9 No.	Title	Deadline
R9(79)***	Request for documents relating to EPUT's involvement in the care and treatment of [I/S]	26/01/2026
R9(80)***	Request for document relating to EPUT's involvement in the care and treatment of [I/S]	26/01/2026
R9(82)***	Request for information concerning the investigations into [I/S] death	26/01/2026
R9(83)***	Request for information concerning [I/S]	26/01/2026
R9(104)***	Request for documentation concerning [I/S]	26/01/2026
R9(106)***	Request for documents concerning [I/S]	26/01/2026
R9(107)***	Request for documents relating to [I/S]	26/01/2026
R9(86)***	Request for documentation concerning the investigations into, and actions following, [I/S] death	28/01/2026
R9(42)(b)***	Request for further information and documents concerning [I/S]	28/01/2026

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R9(87)***	Request for documents concerning [I/S] [I/S]	28/01/2026
R9(84)***	Request for documents concerning the care and treatment of [I/S]	28/01/2026
R9(91)***	Request for Information concerning the care and treatment of [I/S]	28/01/2026
R9(92)***	Request for information and documentation concerning the death of [I/S]	28/01/2026
R9(26)***	Request for Information concerning the evaluation and monitoring of inpatient mental health treatment and care	30/01/2026
R9(75)***	Request for information regarding the death of [I/S] EPUT's internal investigation and actions taken following the inquest	30/01/2026
R9(81)***	Request for information concerning the care, treatment and investigation into the death of [I/S]	30/01/2026
R9(85)***	Request for information regarding the care and treatment of [I/S]	30/01/2026
R9(89)***	Request for Information concerning the care and treatment of [I/S]	30/01/2026
R9(93)***	Request for information concerning the care, treatment and investigation into the death of [I/S]	30/01/2026
R9(94)***	Request for documents concerning the death of [I/S]	30/01/2026
R9(95)***	Request for information and documents concerning [I/S]	30/01/2026
R9(96)***	Request for documents concerning the death of [I/S]	30/01/2026
R9(97)***	Request for documents concerning the care and treatment of [I/S]	30/01/2026

R9(98)***	Request for documentation concerning the care and treatment of [I/S] and investigation after her death	30/01/2026
R9(99)***	Request for documentation concerning [I/S]	30/01/2026
R9(100)***	Request for documents concerning [I/S] [I/S]	30/01/2026
R9(36a)***	Further request for information and documents concerning [I/S]	30/01/2026
R9(108)***	Request for documents concerning the death of [I/S]	30/01/2026
R9(9)(b)*	Request for information relating to staff feedback (including Staff Surveys, concerns and complaints and Relevant Information provided via the Freedom to Speak Up Guardian (FSUPG))	02/02/2026
R9(45)***	Request for list of materials held in relation to cases under investigation	02/02/2026
Section 21 re 9(45)	Request for list of materials held in relation to cases under investigation	02/02/2026
R9(59)(a)*	Second request for information and/or documentation concerning partial hospitalisation arising out of the case of [I/S]	04/02/2026
R9(101)	Request for documents and information concerning the death of [I/S]	04/02/2026
R9(102)	Request for information and documentation concerning [I/S]	04/02/2026
R9(105)	Request for information and documentation concerning [I/S]	05/02/2026
R9(109)*	Request for documents concerning the death of [I/S]	27/02/2026
R9(110)		27/02/2026
R9(111)*	Request for documents concerning the death of [I/S]	27/02/2026
R9(112)*	Request for information and/or documentation concerning the care and treatment of [I/S]	27/02/2026

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	[I/S] and actions taken following his death and inquest	
R9(113)*	Request for documents and information concerning [I/S]	27/02/2026
R9(114)	Request for further information concerning EPUT's historic and current use of the Oxevision system	05/03/2026
R9(115)	Physical health monitoring oxevision	05/03/2026
R9(56)(b)	Second request for information and/or documentation concerning [I/S]	03/03/2026
R9(62)(a)	Further request for information concerning [I/S]	24/02/2026
R9(116)	Request for documents concerning the death of [I/S]	24/02/2026
R9(117)	Request for information and documentation concerning the death of [I/S]	24/02/2026
R9(118)	Request for information and documentation concerning the care and treatment of [I/S] and actions taken following his death and inquest	24/02/2026
R9(119)	Request for documentation concerning [I/S]	24/02/2026
R9(120)	Request for information and/or documentation concerning steps taken to improve inpatient care following the death of [I/S]	03/03/2026
R9(121)	Request for information and/or documentation concerning the care and treatment of [I/S]	24/02/2026
R9(122)	Request for documents and information concerning [I/S]	24/02/2026
R9(123)	Request for information and documentation concerning the death of [I/S]	24/02/2026
R9(124)	Request for information and/or documentation concerning the care and treatment of [I/S]	24/02/2026
R9(125)	Request for information and/or documentation concerning the care and treatment of [I/S]	24/02/2026
R9(126)	Request for documentation concerning [I/S]	24/02/2026
R9(127)	Request for documentation concerning [I/S]	24/02/2026
R9(128)	Request for documents relating to EPUT's involvement in the care and treatment of [I/S]	24/02/2026
R9(129)	Request for documents concerning the death of [I/S]	24/02/2026

R9(130)	Request for information and documentation concerning the death of [I/S] [I/S]	24/02/2026
R9(131)	Request for documents relating to EPUT's involvement in the care and treatment of [I/S] and the inquest touching upon her death	24/02/2026
R9(132)	Request for documentation concerning [I/S]	24/02/2026
R9(133)	Request for documents and for further information relating to EPUT's involvement in the care and treatment of [I/S]	24/02/2026
R9(134)	Request for documents relating to EPUT's involvement in the care and treatment of [I/S] and subsequent investigations	24/02/2026
R9(135)	Request for documents concerning the death of [I/S]	24/02/2026
R9(136)	Request for documents relating to EPUT's involvement in the care and treatment of [I/S] and the inquest touching upon her death	24/02/2026

ANNEX B Forward Look towards July Hearing: Thematic Issues and Illustrative Cases
Block 1

Summary of R9 Request	Likely Dates of Issue of R9s	Likely Deadlines for Response
<i>Rule 9s in respect of Illustrative Cases</i>		
The Inquiry anticipates around 50 focused rule 9 requests for documents/information in relation to illustrative cases which form part of Block 1. This number reflects the Inquiry's current experience of having to re-submit requests on receipt of incomplete responses.	From now until end of March	4 week deadlines from each issue
<i>Thematic Rule 9s – for any further evidence required in relation to each thematic issue</i>		
Admissions and Assessment (at least two)	Wc 23 February 2026	Wc 23 March 2026
Sexual Safety (at least three)	Wc 16 February 2026 Wc 23 February 2026	Wc 30 March 2026
Safeguarding (at least three)	Wc 16 February 2026	Wc 30 March 2026
Oxevision/Use of Technology (at least three)	Wc 23 February 2026	Wc 23 March 2026
Co-occurring conditions and Older Adult Care (at least two)	Wc 2 March 2026	Wc 30 March 2026
<i>Other</i>		

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Governance and Oversight	Wc 2 March 2026	Wc 27 April 2026 (8 weeks)
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The above table is **indicative**, dependent to a significant extent on evidence currently awaited from EPUT and is provided to assist EPUT understand, in broad terms the evidential requests to be issued in the short to medium term. It should not be taken to be exhaustive. Further Rule 9 requests in relation to Thematic Issues and Illustrative Cases for Block 2 (October) will be issued from April onwards.