

19 September 2025

FAO [I/S]

Browne Jacobson LLP

For the Essex Partnership University NHS Foundation Trust (EPUT)

By email only: [I/S]

cc: [I/S]

Dear [I/S]

Request for Formal Written Data Assurance Statement

Deadline: 7 November 2025

The Inquiry writes further to its letter of 22 August 2025, and the meeting with EPUT on 4 September 2025 to request a **formal written data assurance statement** from EPUT, regarding the processes undertaken to date to identify and provide relevant material to the Inquiry. This statement is required to enable the Inquiry to assess whether EPUT's disclosure processes meet the standards of completeness, reliability and candour required of a statutory inquiry.

As a statutory inquiry, we require transparency and assurance about the methodology adopted, the limitations encountered, and the mitigations applied by EPUT in its searches for relevant evidence. This is necessary to ensure confidence in the responses received to date and in those still to come.

Scope of Statement

The purpose of the data assurance statement is to provide the Inquiry with one single, comprehensive, up-to-date document setting out EPUT's disclosure methodology, limitations and mitigations.

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The data assurance statement should address the following in respect of each Rule 9 request for evidence received by EPUT so far and, where possible, identify where the same limitations or mitigations will likely apply to future requests:

1. Searches Undertaken

- a. Steps taken to identify and retrieve relevant information and documentation.
- b. The scope of those searches, including the systems accessed, timeframes covered, and any criteria or search terms used.
- c. Any guidance or instructions issued internally in relation to those searches.

2. Responsibility for Searches

- a. Identification of the individuals and/or teams responsible for conducting the searches.
- b. An outline of their roles and the basis upon which they were considered suitably placed to carry out this task.
- c. The nature of any supervisions, including the professional position of the person supervising any particular search/response, including whether clinical expertise, legal expertise or corporate record-management expertise was involved.

3. Limitations and Mitigations

- a. Details of any known limitations, gaps or constraints affecting the searches or information available (e.g. unavailable records, legacy systems, data retention issues, inaccessible archives, etc).
- b. The steps taken to mitigate these limitations, including any measures to ensure, so far as possible, the completeness and accuracy of the material provided (e.g. alternative routes of enquiry, cross-checking of common spelling variations or typographical errors, consultation with staff).

Where you identify limitations and mitigations that will likely apply to all future Rule 9 requests for evidence, please make this expressly clear within the data assurance statement.

Where you consider that a particular Rule 9 response has already fully or partially addressed the above issues, please expressly say so within the data assurance statement, and for completeness please set out the full relevant text within the data assurance statement itself. Likewise, if you consider that Paul Scott's Disclosure Witness Statements (provided to the non-statutory Inquiry) have addressed any of the above issues, please expressly say so, and again set out the full relevant text within the data assurance statement for completeness.

The Inquiry understands that EPUT may wish to break down the data assurance statement into sections in relation to NEPT, SEPT and EPUT systems and processes. It is a matter for EPUT as to how it can most clearly set out the methodology used for gathering information from across the entire relevant period in response to a Rule 9 request for evidence, and any limitations and mitigating steps in relation thereto.

The Inquiry notes that during our meeting on 16 September 2025 you confirmed that EPUT has recently procured Relativity and is in the process of uploading individual patient files in relation to investigations Rule 9 requests for evidence that have been sent by the Inquiry to date. Please explain within the data assurance statement, as appropriate, how Relativity will be utilised and how it will impact the efficiency of searches and quality of the information provided moving forwards.

Please also confirm whether Relativity will be applied retrospectively to evidence already searched or disclosed, or only to future requests, and what assurance the Inquiry can have about consistency across the disclosure set.

Basis for this Request

During the meeting of 4 September 2025, EPUT representatives explained that the Trust lacks effective search software and is reliant on searches of document titles alone, rather than the content of documents. This limitation has not previously been set out in clear terms in any Rule 9 response, which

explains also how it might affect whether relevant material has been comprehensively captured.

The Inquiry is concerned that this lack of transparency has the effect of undermining confidence in the adequacy of searches to date and prevents the Inquiry from knowing whether all relevant information has been captured.

The Inquiry has re-reviewed all Rule 9 responses received from EPUT so far and has identified several aspects of those responses that give it cause for concern in respect of the reliability and accuracy of the information provided. By way of example:

1. **Rule 9(7b), Paragraph 23:** EPUT states that the Trust does not have search software in place and has therefore relied upon documents being saved with the patient's correct spelling of name. The Inquiry has two major concerns with this: firstly, it is an oblique way of describing the limitation to data searches that only a file name can be searched and not the body of a document; secondly, it is concerning that the search parameters did not include common variations of a name or typographical errors/misspellings.
2. **Rule 9(7b), Paragraph 16:** EPUT states that the Trust will continue to search for the missing documentation that accompanied the response to the Coroner in relation to PFD reports, without any explanation or detail as to: what further searches will be undertaken; how those searches will differ from previous searches; or whether those new searches can be expected to return any relevant results. The Inquiry finds it concerning that the next steps to fill in any evidential gaps have been so vaguely set out within the Rule 9 response, and that this wording is used across multiple Rule 9 responses.

Next Steps

The Inquiry requests that EPUT's data assurance statement is provided by **7 November 2025**.

The Chair requires a single consolidated document, so that there is one authoritative account of EPUT's disclosure methodology against which all past, present and future Rule 9 responses can be assessed, in accordance with the duty of candour and EPUT's disclosure obligations.

The individual signing the data assurance statement must have appropriate knowledge and standing, such that if the Chair calls upon them to give evidence/answer questions in relation to EPUT's disclosure approach, they would be able to do so without the need to defer to others.

Where limitations remain, these must be set out transparently, together with the mitigations being applied. Where no mitigations are possible, EPUT must explain the consequence of this – including the categories of material that may not have been captured and the potential impact on completeness of responses, together with a frank assessment of the potential impact on the Inquiry's ability to obtain a complete evidential picture.

The Inquiry expects this data assurance statement to provide the clarity necessary to ensure disclosure obligations are met and to avoid any further uncertainty about the adequacy of searches conducted.

Please do not hesitate to contact me should you have any further questions.

Yours sincerely,

[I/S]

Arpeeta Barua
Deputy Solicitor to the Inquiry