

Core Participant Applications

Funding for Legal Representation

Introduction

1. Section 17 (1) of the Inquiries Act 2005 provides that the procedure and conduct of the Inquiry are to be such as the Chair of the Inquiry may direct, subject to the provisions of the Act and the Inquiry Rules 2006.

Funding for applications for Core Participant status

2. In accordance with the [Protocol on Legal Costs](#) this guidance is published in relation to funding for legal representation that is available for Core Participant applicants who may be seeking the assistance of a legal representative to complete a [Core Participant Application Form](#).
3. The Solicitor to the Inquiry has agreed, in principle and by this guidance note, to permit that legal costs incurred in making an application for Core Participant status may be recoverable.

Individuals and families

4. The Chair acknowledges that a number of individuals and family groups may be assisted by a legal representative to submit an application for Core Participant status.
5. The Inquiry has provided an Application Form to be completed by applicants for Core Participant status. It is available on the Inquiry's website and should be completed by all applicants. No further submissions or evidence in relation to Core Participant status (other than those set out within the form) are required. If the Inquiry requires further information to progress an application, it will request it.

6. It is not expected, nor should it be necessary for legal representatives advising potential applicants to undertake a large amount of work before submitting the Core Participant Application Form.

7. Funding for legal representation for Core Participant applicants to assist in completing an application form is available where the applicant is an individual or family, and the application is considered to be reasonable. Reasonableness of an application will be assessed in line with the Inquiry's [Protocol on Core Participants](#) and Rule 5 of the Inquiry Rules 2006.

8. The Chair has authorised that the following expenditure may be incurred by a legal representative instructed to assist an individual or family group to complete a Core Participant Application Form.
 - a. taking initial instructions from an individual, or a family, by reference to relevance to the Inquiry's Terms of Reference. Such work to be limited to a maximum cap of 2.5 hours per Core Participant application submitted.

 - b. preparation and submission of a completed Core Participant Application Form to the Solicitor to the Inquiry. Such work to be limited to a maximum cap of 1.5 hours per application submitted.

9. This authorisation is subject to the following qualifications:
 - a. This guidance is subject to the maximum hourly rates specified in paragraph 3 of the [Notice of Determination](#) made by the Minister under section 40(4) of the Act.

 - b. The expectation is that most of the work will be undertaken by a legal representative with less than 4-year's post qualification experience. If work is carried out by a more senior legal representative, then rates will be capped at the lower rate of £125 per hour for 75% of the total amount claimed. A higher rate may be sought for no more than 25% of the total amount sought.

- c. Billing procedures must be followed as set out within the Inquiry's [Protocol on Legal Costs](#). A billing template must be completed in the format found [here](#).
- d. The provision of an award under this guidance is limited to legal expenses in relation to applications for Core Participant status. Additional work will not be permitted, unless the specific written authorisation of the Solicitor to the Inquiry has been obtained in advance.

Companies, Health Care Providers, Public Bodies and other Organisations

10. This protocol is directed at legal funding for individual and families affected by the issues which the Inquiry is investigating. The expectation is that organisations will meet their own costs of legal representation in connection with the Inquiry.
11. Organisations may submit requests for legal funding to assist with an application for Core Participant status. However, awards for funding will only be made in exceptional circumstances and where evidence is provided of an organisation's financial position and reasons why the organisation cannot be expected to meet the costs of the application from its own resources.
12. The Inquiry will not meet the costs of drafting a request for funding for such an application for Core Participant status. The costs of such a request must be borne by the applicant.

Baroness Lampard

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www.LampardInquiry.org.uk Email: Contact@LampardInquiry.org.uk

Address: Lampard Inquiry, PO Box 78136, LONDON, SW1P 9WW

Tel: 020 7972 3500