

Protocol on Witness Statements

1. The purpose of this Protocol is:
 - a. to ensure that all witnesses understand and can follow how the Inquiry will obtain written statements during its investigations;
 - b. to set out what is expected of witnesses responding to such requests; and
 - c. to explain how the Inquiry can assist with the preparation of written statements.
2. A witness is any person from whom a written statement is taken by the Inquiry, regardless of whether they have been designated as a Core Participant and whether they are also asked to give oral evidence at an Inquiry hearing. Witnesses will only ever be asked to speak to matters falling within scope of the Inquiry's Terms of Reference, which can be accessed [here](#).
3. The Inquiry's principal objective is to ensure that every potential witness engaging with the Inquiry is able to provide evidence to the best of their ability.
4. This Protocol should be read in conjunction with the Inquiry's Protocol on Documents, which can be accessed [here](#). Any terms defined in that Protocol also carry the same meaning in this Protocol.
5. This Protocol is not intended to cover every eventuality or procedural issue that may arise. In certain cases, the Chair may consider that she needs to make a decision about the procedures or conduct of the Inquiry that is not covered by this Protocol to uphold her statutory duties to act fairly and to avoid unnecessary cost.

Requests for Written Statements

6. The Inquiry welcomes approaches from any person, organisation or entity who believes that they may be able to give evidence that is likely to assist the Chair to answer the Terms of Reference. This includes (but is not limited to) those who have already made contact with the Inquiry or those who have engaged with it during its non-statutory phase. It also includes those who the Inquiry has identified during its investigations as a relevant witness, and those who have not yet come forward.

7. Generally, the Inquiry will make contact with a witness by requesting a written statement under Rule 9 of the Inquiry Rules 2006 (the Inquiry Rules). This is known as a “Rule 9 Request”.
8. Rule 9 Requests will be issued in writing by the Inquiry team on behalf of the Chair. They will be sent directly to a witness, unless they have appointed a qualified lawyer to act on their behalf and the Chair has designated the lawyer as that witness’s Recognised Legal Representative (RLR). In those circumstances, the Rule 9 Request will be sent to the RLR.
9. All Rule 9 Requests for a written statement will include a clear description of the matters or issues that the witness should cover, set out in sequentially numbered paragraphs. The Inquiry will also ask for the statement to be provided by a particular date. Further, it may ask for disclosure of relevant documents - more information and guidance on this part of the process can be found in the Protocol on Documents, [here](#).
10. In certain circumstances, the Inquiry may specify in the Rule 9 Request that a written statement should be submitted as an unsigned draft in the first instance. If this is the case, upon receipt, the Inquiry will either:
 - a. Indicate there are no points for clarification or requests for further information and that the statement can be signed and returned in final form; or
 - b. Produce a further Rule 9 Request setting out:
 - i. issues that may need clarification; and / or
 - ii. areas where further evidence may be required; and
 - iii. the date by which a final version of the written statement is to be submitted.
11. Where a Rule 9 Request does not specify that a written statement should be submitted in draft form, it should be submitted in final form and signed with a Statement of Truth.
12. Should any further questions or points of clarification arise during the course of its investigations, the Inquiry may on occasion issue more than one Rule 9 Request to the same witness.
13. In order to assist witnesses with the preparation of written statements, Rule 9 Requests may need to be accompanied by a witness statement schedule. In this, the witness should record the numbers of the paragraphs or sections of their written statement alongside each of the Inquiry’s questions in the Rule 9 Request. Where a witness has not answered a particular question, the

schedule should be used to provide a brief description of why each such question has not been answered.

Responding to a Rule 9 Request

14. As well as being properly directed to the matters raised in the Terms of Reference, it is important that all written statements received by the Inquiry are easy to read. Even where legal assistance is provided to a witness, a written statement should always be in a witness's own words.
15. Written statements should also be consistent in terms of their format. Unless any other agreement has been made in accordance with paragraph 22 below, written statements should be drafted in line with the requirements set out at Annex A to this Protocol.
16. All written statements should be signed by a witness with their real name, irrespective of any grant of anonymity. More information on this, and the procedure for applying for orders to prevent the disclosure of any other information contained in a written statement, can be found in the Inquiry's Protocol on Restriction Orders, Redaction, Anonymity and Special Measures, which is accessible [here](#).
17. Should a witness require an extension of time in order to comply with a Rule 9 Request, an application must be made in writing to the Solicitor to the Inquiry as soon as possible and, in any event, before the period of time to respond (as specified in the Request) expires. If there is a good reason why a witness would not be able to comply by the deadline, the Inquiry may agree to extend the date.
18. Should a witness be unable to comply with a Rule 9 Request for any other reason, that reason should be communicated to the Solicitor to the Inquiry as soon as possible and, in any event, before the period of time to respond (as specified in the Request) expires. Supporting documents should be provided, where applicable. If there is a good reason why a witness would not be able to comply, the Inquiry may agree to revoke or vary the Request.
19. Importantly, a witness cannot withdraw or change their statement once it has been signed. However, a witness may make a further statement, voluntarily, to correct or supplement something previously said.

Assistance from the Inquiry Team

20. A witness may draft their own written statement, or seek assistance from a lawyer, or from the Inquiry team.
21. The Inquiry team is keen to ensure that all those who wish to provide information to the Inquiry are able to do so. They acknowledge that some people might not have engaged with the process of drafting a written statement before and that preparing a written statement may be challenging for some witnesses. As set out above, in all cases, the Inquiry's primary objective is to help witnesses share their experiences to the best of their ability.
22. The Chair has decided that in order to achieve that objective, the Inquiry will take a flexible approach and will adapt the statement taking process to meet the needs of individual witnesses as far as is reasonably practicable. For example, where the Chair considers that a person is vulnerable, she may direct that their account be obtained by way of a recorded interview with members of the Inquiry team. For more information, the Inquiry has published a Protocol on Vulnerable Witnesses, which can be accessed [here](#).
23. If a witness who has received a Rule 9 Request needs assistance from the Inquiry, they should contact the Inquiry team as soon as possible. It is important to note that the Inquiry team can assist a witness with drafting their written statement but cannot provide any legal advice.
24. Should a witness like to obtain independent legal assistance, they may wish to find a solicitor through the Law Society's '[Find a Solicitor](#)' service. The Inquiry cannot recommend a lawyer but can provide a list of firms who are recognised in the field of inquiry law by two leading legal directories. Please contact the Inquiry should you wish to receive a copy of this list. Witnesses may be able to obtain an award for legal funding to assist them in providing a statement. Details can be found in the Inquiry's Protocol on Legal Costs, which can be accessed [here](#).
25. If, for any reason, a witness is unable to produce a written statement and would like to discuss providing evidence in a different format they should contact the Inquiry as soon as possible. They can do so by phone on 020 7972 3500 (leaving a voicemail), by email at Contact@LampardInquiry.org.uk, or by post - The Lampard Inquiry, PO Box 78136, London, SW1P 9WW.

Failing to Comply with a Rule 9 Request

26. The Chair expects that any witness to whom a Rule 9 Request is issued will co-operate voluntarily with the Inquiry and provide a written statement within the specified time frame.
27. However, if a Rule 9 Request for a written statement is ignored or refused, or where a response appears to the Chair to be incomplete or insufficient, the Chair may exercise her compulsory powers by issuing a notice under section 21 of the Inquiries Act 2005 (a Section 21 Notice).
28. A Section 21 Notice could require the witness to whom the initial Rule 9 Request was made to:
- give evidence, including by providing a written statement; and / or
 - produce to the Inquiry relevant documents (or any other thing) in their custody or control.
29. The Chair welcomes and encourages information, documents and evidence from the family and friends of those who have died, and from patients and former patients. The Chair has confirmed that she will not exercise her powers under section 21 against any person falling into these categories, save for in exceptional circumstances. This means that no such individual will, at any stage, be compelled to give a written statement, to give evidence at any hearing or to provide any documents or information to the Inquiry. Further information on this can be found in the Inquiry's Note on the Chair's decision regarding Section 21 of the Inquiries Act, which can be accessed [here](#).
30. As well as being able to assist witnesses to prepare written statements, the Inquiry offers independent emotional support. For information about this, including how to access it and who to contact, please click [here](#).
31. Any witness receiving a Section 21 Notice may claim, under section 21(4) of the Inquiries Act, that they are unable to comply with the Notice or that it is not reasonable in all the circumstances for them to comply. Any claim of this kind should be set out in writing to the Chair as soon as possible. She will then decide whether to revoke or vary the Notice.
32. If a witness fails, without reasonable excuse, to comply with a Section 21 Notice issued by the Chair, they may be guilty of an offence under section 35 of the Inquiries Act.

33. In certain circumstances, such as for example where a witness has concerns regarding the disclosure to the Inquiry of particularly sensitive or special category data within a witness statement or documents exhibited to a witness statement, the witness may wish to request a Section 21 Notice. Any such request should be made as soon as possible following the receipt of a Rule 9 Request and will be issued with the agreement of the Chair.

The Handling of Witness Statements by the Inquiry

34. Upon receiving final written statements and any exhibits, the Inquiry will acknowledge receipt and initiate a process for secure document handling. All statements and exhibits will be uploaded to the Inquiry's secure document management platform and assigned unique identifiers for tracking and reference.

35. Where written statements or documents exhibited to a statement are received in hard copy, they will be scanned and uploaded to the Inquiry's document management platform. As is set out in the Inquiry's Protocol on Documents, where there is no question as to the authenticity of documents, and scans are considered sufficient by the Inquiry team, originals will be returned to the witness. Where a question is raised as to either of these two issues, documents may be retained until the end of the Inquiry.

36. The Inquiry seeks to be as transparent as possible in its handling of written statements: once reviewed, any document or information contained in a document may be disclosed to Core Participants or published on the Inquiry website. Written statements and any exhibits provided to the Inquiry may therefore end up in the public domain.

37. However, at all stages, the Inquiry will ensure that personal and sensitive information provided to the Inquiry will be carefully and appropriately handled. Any information that is personal or sensitive will only be shared with Core Participants or made public as is necessary and proportionate for the Inquiry to fulfil its Terms of Reference. For further information, the Inquiry's Protocol on Restriction Orders, Redaction, Anonymity and Special Measures can be accessed [here](#).

38. Core Participants will also be required to sign confidentiality undertakings and any disclosure made to them by the Inquiry will be subject to the

undertaking until such time as the document is made public by the Inquiry, if at all.

39. The Inquiry will process all personal data in accordance with its obligations under the Data Protection Act 2018 and UK GDPR.

Next Steps

40. Any person who provides a written statement may be called to give oral evidence by the Inquiry; this will be a decision for the Chair on a case-by-case basis.
41. For witnesses who have been granted anonymity, or those who may find giving oral evidence difficult, the Inquiry team will seek their views on any measures that may assist to ensure they feel comfortable and can provide their best evidence. For more information, please see the Inquiry's Protocol on Restriction Orders, Redaction, Anonymity and Special Measures, which can be accessed [here](#).

Point of Contact

42. If you have any queries about this Protocol, you can contact the Inquiry by phone on 020 7972 3500 (leaving a voicemail), by email at Contact@LampardInquiry.org.uk, or by post - The Lampard Inquiry, PO Box 78136, London, SW1P 9WW. All written correspondence should be addressed to the Solicitor to the Inquiry.

Review

43. If this Protocol requires amendment during the course of the Inquiry, an updated version will be published on the Inquiry's website at the earliest opportunity. Any amendments will be subject to the review and approval of the Chair.

July 2024

Annex A

Format of Written Statements

Unless agreement has been reached between a witness and the Inquiry to the contrary, all witnesses should meet the requirements of this Annex in terms of the formatting of any written statements.

Should any person have questions about the below and wish to speak to a member of the Inquiry team, they can contact the Inquiry by phone on 020 7972 3500 (leaving a voicemail), by email at Contact@LampardInquiry.org.uk, or by post – The Lampard Inquiry, PO Box 78136, London, SW1P 9WW.

Written Statement Requirements

Written statements submitted to the Inquiry, whether in draft or final form, should be provided electronically where possible. They should also comply with the following requirements:

1. Typed or, where a witness does not have a Recognised Legal Representative (RLR), clear handwritten format.
2. Any font used should be easily legible.
3. All text should be size 11 or above and separated with 1.5 or double spacing.
4. Default Word settings for headers, footers and margins should be retained.
5. Paragraphs should be numbered sequentially (e.g. 1, 2, 3 etc) and statements should be paginated.
6. Statements should also be provided in a format that enables the text of the content to be searched, whether in Word or PDF format, and should not be watermarked.
7. Statements should be headed “[NUMBER e.g. ‘First’] Witness Statement of [WITNESS NAME]”. Where anonymity has been granted, a witness should use their real name; any pseudonym or cipher given by the Inquiry will take the place of the person’s name prior to onward disclosure or publication.

8. All statements should set out the witness's full name. In the case of a witness who is giving evidence in relation to their current or former occupational capacity, the statement should indicate the name of the employing organisation, and the witness's current or former position or role within that organisation.
9. If a statement is being submitted for or on behalf of an organisation it should be made by someone who can speak to the content of the statement at any Inquiry hearings.
10. A witness who is giving evidence in a private capacity need not include their home address in the body of the written statement, provided it has previously been notified in writing to the Inquiry.
11. Each statement should specify the date of the Rule 9 Request, or Section 21 Notice, it is responding to.
12. Plain English should be used wherever possible. Statements should not be presented in a 'question and answer' form. They should usually provide a chronological narrative account addressing the questions in the Rule 9 Request but should not reproduce the questions posed in the Rule 9 Request. It should not be assumed that the reader has a detailed knowledge of medical practice or policies, for example. Acronyms should be spelt out where they appear, and organisational names and references should be explained.
13. Statements should end with a Statement of Truth containing the words "I believe the content of this statement to be true", followed by the signature of the witness and date of signature.
14. Where a signed final statement is provided to the Inquiry in electronic form, the Inquiry suggests that witnesses or their RLRs retain the hard copy original. Similarly, if the signed final statement is provided to the Inquiry in hard copy, scanned and returned, the Inquiry suggests that witnesses or their RLRs retain the original.

Exhibits: Documents Accompanying a Witness Statement

15. Where a witness refers to a document or material during the course of their written statement, a copy of each such document or material must be provided to the Inquiry and submitted with the written statement as an exhibit. If the document or material is already held by the Inquiry, it should instead be identified in the written statement by its assigned Inquiry unique reference number.
16. When a document is first referred to in a written statement, the full title or description of the document should be given. This should then be followed by an exhibit number. Thereafter, an abbreviation will be sufficient, although the exhibit number should be included on each occasion.
17. Where exhibits are submitted alongside a written statement (and are not known to be held by the Inquiry), they should be given sequential numbers and take the form 'AB/1', 'AB/2' etc (where AB are the initial of the witness). Where more than one written statement is provided by a witness, exhibit reference numbers should follow on from the previous statement (thereby avoiding multiple 'AB/1's).
18. An Exhibits List should accompany every Rule 9 Request response where the disclosure of documents has been sought or the witness refers to documents or materials within their statement. A template has been published along with the Inquiry's Protocol on Documents and can be downloaded [here](#). It must be signed by or under the authority of the Material Provider; a lawyer acting for the Material Provider should not be the signatory.
19. The purpose of the list is to index each document referred to by the witness in the written statement. Documents should be listed in the order in which they appear in the statement, with a full description and Inquiry unique reference number (if the document is one that is already held by the Inquiry). The Exhibits List should also be used to:
 - a. state whether any redactions will be sought, identifying the information to be redacted and summarising the basis for seeking to redact the information;
 - b. state whether any redactions have been applied for legal professional privilege or on the basis of any other legal bar to disclosure; and
 - c. if certain documents have not been provided or cannot be located, state clear reasons why they have not been provided or an explanation about why they cannot be located.