

## Protocol for September Opening Hearings

### Introduction

1. The Chair will invite opening statements and hold evidential hearings during September 2024 for a period of up to three weeks.
2. Baroness Lampard intends to ensure that the experiences of family members and friends of those who have died, and patients and former patients, are at the centre of the Inquiry's work from the start. The opening hearings will therefore be directed to:
  - a. Opening statements to the Inquiry; and
  - b. Commemorative and impact evidence.
3. This note sets out the kinds of evidence that the Inquiry intends to hear during the opening hearings. It also gives details of the plans and procedures for the opening hearings and explains the support and facilities that will be available both for witnesses and for those attending the hearings or watching remotely.
4. A separate protocol will be published in due course in relation to future hearings.

### Dates

5. It is intended that the opening hearings will take place over a period of three weeks, beginning on **Monday 9 September 2024** and concluding on **Wednesday 25 September 2024**.
6. During that period, the Inquiry will not sit on Fridays. There will be no hearings on Friday 13 or Friday 20 September.
7. Inquiry hearings will usually take place between 10am and 4:30pm, with a one-hour break for lunch between 1pm and 2pm. The Inquiry will also normally take a short break mid-morning and mid-afternoon.

### Venue and Facilities

8. The opening hearings will take place in the Council Chamber at the Civic Centre, Duke Street, Chelmsford, CM1 1JE. Further details about the venue, including how to get there, can be found [here](#).

9. For those who are attending the hearings, the following will be available at the venue:
- Access and facilities for those with mobility and/or disability issues;
  - A room for the use of witnesses attending to give oral evidence;
  - Publicly available Wi-Fi throughout the venue;
  - Emotional support available for those participating in the hearings; and
  - Security staff will be at the hearing venue to ensure everyone's safety.

## **Support**

10. The Inquiry places the wellbeing of those engaging with and/or giving evidence to the Inquiry at the centre of its work and recognises that for many witnesses, it may be challenging giving oral evidence about a family member or friend who has died or lived through a difficult experience. The Inquiry's principal objective is to ensure that each witness is supported in a way that allows them to share their experiences to the best of their ability. Equally, the Chair recognises that some of the evidence given at the hearings may be very difficult for those attending to listen to.
11. The Chair has wide discretion to put in place measures to support witnesses in giving evidence as well as to support those attending. This will take an individualised approach as far as is reasonably possible.
12. The Inquiry offers independent emotional support to those who give oral evidence at hearings. For information about that support, including how to access it and who to contact, please click [here](#). The Inquiry has also published a separate Protocol on Vulnerable Witnesses, which can be accessed [here](#) and a Protocol which deals with special measures for witnesses, which can be accessed [here](#).
13. Where the Chair has decided that a witness is vulnerable within the meaning of the Inquiry's Protocol on Vulnerable Witnesses, the Chair may seek the views of the witness about any further measures that could help them to give their evidence at a hearing. Such measures may include (but are not limited to) the provision of an intermediary to assist the witness when giving evidence, additional prescribed breaks throughout the day and provision for the witness to give their evidence via live link from a location outside of the Inquiry hearing room.

## **Attendance at Hearings**

14. In line with section 18 of the Inquiries Act 2005, the opening hearings will be public hearings. This means that the public and the press will be free to attend, save for in certain circumstances where a restriction order has been granted. Attendance in person may be subject to seating availability.
15. As has been set out in the [Terms of Reference](#), those engaging with the Inquiry are to be treated by all parties with respect. A Code of Conduct for the open hearings will be made available in due course.
16. The opening statements and evidence will be live streamed on the Inquiry's YouTube channel. The hearings will be streamed with a time delay of 10 minutes.

## **Opening Statements**

17. Starting on 9 September 2024, the Chair will make an opening statement and then hear opening statements from Counsel to the Inquiry and from any core participants who wish to address the Inquiry on opening matters.
18. Core Participants who wish to may submit written opening statements to the Inquiry by Friday 23 August 2024. Core Participants should also indicate when providing written statements whether they wish to make oral statements in opening.
19. To ensure that as wide a range of Core Participants as possible are given the opportunity to address the Inquiry in opening, written statements will be limited to 30 pages and should be submitted in size 11 font or above with 1.5 or double line spacing. For the same reason, it is likely that oral opening statements will be limited to a maximum of 1 hour, unless there are exceptional circumstances.
20. Where more than one Core Participant is represented by the same RLR, opening statements should be made jointly and will be limited to 30 pages in total.

## **Commemorative and Impact Evidence**

21. During the opening hearings, the Inquiry intends to focus principally on commemorative evidence from the families and friends of patients about those who have died, as well as hearing some evidence from former patients about the impact of their experiences. At a later stage, the Inquiry will hear

further detailed evidence about the circumstances of patients' care and treatment and all other matters falling within the Inquiry's Terms of Reference.

22. The Chair intends to take a very flexible approach to the format of evidence for opening hearings in order to ensure that witnesses can share their evidence in the way that best suits their needs. Examples of how witnesses may be sharing information at the opening hearings include (but are not limited to)
- a. Written statements (published on the Inquiry's website and/or read at the hearing);
  - b. Video recordings of a witness speaking about the person (to be played at the hearing);
  - c. Oral evidence given at the hearing;
  - d. Photographs and video footage;
  - e. Letters, diaries, or any other records that a witness wishes to share.

### **Procedures for Witnesses**

23. Witnesses who are giving oral evidence to the Inquiry at the opening hearings (or by video link) will be notified of the date and time when they will be giving their evidence in good time. If considered appropriate, the Chair may invite oral evidence to be given under oath or affirmation.
24. Witnesses who wish to give oral evidence may be taken through their accounts and asked questions about their evidence by Counsel to the Inquiry. Under Rule 10(1) of the Inquiry Rules 2006, as a general rule, only Counsel to the Inquiry or the Inquiry panel (in this case, the Chair) may ask questions of a witness giving oral evidence at an Inquiry hearing. This is because a public inquiry is not a trial where two sides are presenting arguments; it is an investigatory process.
25. Witnesses who choose to provide a written commemorative or impact statement to be read out at the hearing can read the written statement themselves, or alternatively can ask that the Inquiry team read out the statement on their behalf. Those who wish to share photographs, videos, letters or other materials can do so themselves or can ask the Inquiry legal team, or their legal representative to do so on their behalf.
26. Costs for witnesses relating to preparation for and giving evidence at the opening hearings are dealt with in the Inquiry's Protocol on Witness Expenses, which can be accessed [here](#). For those witnesses who are legally

represented, information on costs relating to legal representation can be found in the Inquiry's Protocol on Legal Costs, which can be accessed [here](#).

### **Transcripts and the Publication of Evidence**

27. The written statements provided by a witness who is giving oral evidence will be disclosed to Core Participants in advance of the hearing at which that witness is going to give their oral evidence. Those statements will also be published on the Inquiry's website at the time, or shortly after, the witness gives oral evidence.
28. Transcripts of the hearings will be made available on the Inquiry's website the following day. Video recordings of the hearings will also be made available via the Inquiry's website at an appropriate time.

### **Restriction Orders and Special Measures**

29. The Inquiry recognises that there may be circumstances in which particularly sensitive information should be excluded from disclosure to Core Participants or to the wider public. Under section 19 of the Inquiries Act 2005, various restrictions can be imposed on attendance at the Inquiry, or at any particular part of the Inquiry, or on the disclosure of any evidence given or documents provided to the Inquiry. Any applications for a Restriction Order will be determined by the Chair in accordance with the power under section 19 and the procedure set out in the Inquiry's Protocol on Restriction Orders, which can be accessed [here](#).
30. In the case of witnesses who have been granted anonymity and who are giving oral evidence at the opening hearings, the Inquiry will seek their views about any measures that would assist them to give their evidence to the Inquiry safely and to the best of their ability. Subject to those views, the general procedure for witnesses who have been granted anonymity and are giving oral evidence at a hearing will be as follows:
  - a. A Restriction Order specific to the individual witness will be made by the Chair, prohibiting the publication or disclosure of the name or address of the witness or of identifying information. This Order will apply to everyone.
  - b. Before the witness gives evidence, the Chair will explain that a Restriction Order is in place which prohibits the disclosure or

- publication of the name or address of the witness or of information which would identify the witness.
- c. No mention will be made of any information which has been redacted from the witness's written statement.
  - d. No recognisable image of the witness will be live streamed or shown on a video recording of the hearing.
  - e. Additional measures may be introduced where they are appropriate. These may include, for example, screening, a private entrance to the hearing room and/or the voice of the witness being distorted in the live stream and video recording of the hearing.
  - f. If at any point during their evidence the witness accidentally gives any information that could identify who they are, the Chair is able to halt the proceedings and will make the necessary Restriction Order to ensure that this information is not more widely shared. There will be sufficient delay on the transmission to allow for the feed to be stopped and that portion of the evidence to be omitted from the live stream and video recording.
  - g. Before the transcript of the oral evidence of the witness is published on the Inquiry's website, it will be checked to ensure that the witness's anonymity has been preserved.

### **Point of Contact**

31. If you have any queries about this protocol, you can contact the Inquiry by phone (voicemail) on 020 7972 3500, by email at [Contact@LampardInquiry.org.uk](mailto:Contact@LampardInquiry.org.uk) or by post - The Lampard Inquiry, PO Box 78136, London, SW1P 9WW.

**July 2024**