

Protocol on the Role and Appointment of Assessors

1. The purpose of this Protocol is to explain the role and procedure for the appointment of Assessors by the Chair pursuant to section 11 of the Inquiries Act 2005 (“the Act”).

Role of Assessors

2. Section 11(2)(b) of the Act gives the Chair the power to appoint Assessors to assist the Inquiry. Before such an appointment the Chair must be satisfied that the person she proposes to appoint has the knowledge and experience which makes them a suitable person to provide assistance to the Inquiry.
3. The Assessors’ function will be to provide advice to the Chair in dealing with any matter in which the Assessor has particular knowledge and experience. Assessors may be appointed from a range of disciplines relevant to the Inquiry’s focus, not limited to clinical experience and knowledge. This allows flexibility in addressing various aspects of the Inquiry as needed. Assessors are expected to familiarise themselves with the Terms of Reference and the areas that the Inquiry will seek to investigate.
4. An Assessor will take such part in Inquiry proceedings as the Chair may request. Where the Chair wishes to consider in detail any specific issue including standards of clinical care and the nature and extent of any failings, the Chair will consider instruction of an appropriate expert witness who is able to provide oral evidence.
5. The role of any Assessor will include but not be limited to:
 - a. Offering general advice and explanation on any specific issue on which they have appropriate knowledge and experience and in particular the clinical aspects of the Inquiry’s work. This may include providing internal papers or reports, subject to paragraph six below.
 - b. Advising on potential avenues of enquiry, informing decision making, advising on presentation of the Inquiry’s work and steps to be taken in preparation for hearings. This may involve contributing to the investigation of sample cases and providing an initial assessment of the relevant standard of clinical care.
 - c. Attending the whole or part of any hearing, seminar or briefing.

- d. Providing Counsel to the Inquiry suggested lines of questioning for witnesses in respect of any matters within their knowledge and experience.
 - e. Providing advice and assistance to the Chair regarding recommendations in her final report.
 - f. Providing the Chair with any other assistance, or advice, on any matter relevant to the Inquiry within the knowledge and experience of the Assessor. The Chair may delegate to Assessors specific tasks or responsibilities as needed, to meet the Inquiry's evolving requirements.
6. The Chair expects that most advice and assistance will be given informally. 'Informal advice' is guidance or input given for consideration but not formally documented. The Chair may decide to escalate informal advice to formal advice if deemed necessary for the Inquiry's purposes.
 7. 'Formal advice' refers to advice which the Chair intends to rely on in making findings or recommendations.
 8. If the Chair obtains formal advice this will be given in writing and she will provide a copy to the Core Participants and publish it on the Inquiry's website, unless she considers that it would be inappropriate to do so. The Core Participants may, within 7 days of receipt of a copy of the advice or part(s) of it which the Chair intends to take into account, submit observations to the Inquiry about it.
 9. No Assessor shall give evidence to the Inquiry, nor shall they be subject to questioning or cross-examination, except in exceptional circumstances where the Chair deems it necessary for the effective conduct of the Inquiry. In such cases, the Chair may waive this restriction and direct that an Assessor provide oral or written evidence, provided that the necessity and scope of such evidence are clearly defined. The Chair will ensure that any such decision is communicated to Core Participants and that appropriate measures are taken to maintain the integrity and impartiality of the Assessor's role in these circumstances.
 10. The Chair retains full discretion over the extent to which any advice or recommendations from Assessors are considered and is not bound by such advice in making findings or recommendations. Any findings of fact on any relevant issue, and any recommendations ultimately made are matters for the determination and judgment of the Chair alone.

Appointment

11. If following her initial appointment of Assessors, the Chair takes the view that she requires the assistance of additional Assessors, either for the duration of the Inquiry or for a defined part of the Inquiry, she may appoint further Assessors at any time. The Chair may also, at her discretion, terminate the appointment of an Assessor if she no longer requires their assistance or for any other reason.
12. The Chair will notify Core Participants of her provisional intention to appoint an Assessor and request any conflicts of interests that they may be aware of in relation to the appointment. A conflict of interest is any factor which may put the independence of an Assessor in doubt, and impact on whether they are able to provide unbiased and accurate information to the Chair. Unless otherwise stated, any such information must be notified to the Chair in writing within 7 days of the request.

Point of Contact

13. 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

14. 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.

December 2024