

Protocol on Vulnerable Witnesses

1. The Inquiry places the wellbeing of those who engage with it at the centre of the evidence gathering process and acknowledges that the giving of evidence may be challenging for many people.
2. The Inquiry will treat anyone who engages with it with dignity and respect. Every person engaging with the Inquiry should be able to share their experiences to the best of their ability. Independent emotional support will be available, in order to provide support to witnesses in relation to their engagement with the Inquiry. Details of other support services can be found on the Inquiry's website, which is accessible [here](#). All Inquiry team members who have direct contact with members of the public will have also received appropriate training on communicating with vulnerable people.
3. The purpose of this Protocol is to set out the principles which will guide the Inquiry in its approach and treatment of vulnerable people during the evidence gathering process and at public hearings.
4. The Inquiry does not intend to cause any harm or distress by using the term vulnerable. It has been adopted to capture situations where the Chair considers that people may benefit from support and assistance to help share their experiences with the Inquiry in the most effective and safest possible way.
5. There is no fixed definition of a vulnerable person. However, the Inquiry considers it may include children or young people, the elderly, those suffering from acute emotional distress, those with mental ill-health, and those with any disability or other long term physical or mental health condition.
6. It is essential that anyone who is or may be vulnerable is identified as such at the earliest opportunity. The Inquiry is also aware that a person's vulnerabilities and needs may develop and change over time.
7. If the Chair determines that a person is or may be vulnerable, whether or not this has been raised by the individual or their Recognised Legal Representative (RLR) directly with the Inquiry, she may direct that additional approaches be taken to assist the person in their engagement with the Inquiry.

8. The Inquiry will also apply the principles of section 1 of the Mental Capacity Act 2005 for everyone who seeks to engage with it. Where there is reason to suspect that a person lacks the capacity to engage with the Inquiry, the Chair will investigate the issue at the first convenient opportunity. The Chair may also consider what additional approaches could be taken to support the individual in their engagement with the Inquiry.
9. Where a person has needs linked to a vulnerability which may require further support from the Inquiry, or wishes to raise an issue of capacity to the Inquiry, they, or their RLR, should contact the Inquiry team by email at Contact@LampardInquiry.org.uk or by post – The Lampard Inquiry, PO Box 78136, London, SW1P 9WW.
10. Before making any direction, the Chair may seek further information and take into consideration the views of the person concerned on the type and appropriateness of any proposed measures.

Approach to evidence gathering process

11. Where the Chair considers it appropriate in line with this Protocol, she may direct that any of the following approaches should be adopted (this is not an exhaustive list):
 - a. Allowing a witness who is unable to produce a written statement to provide an account to the Inquiry by way of a recorded interview with a member of the Inquiry team.
 - b. At any meeting or session with the Inquiry which takes place in person, or interview, having a trusted person present. This could be a parent, family member, friend, or other representative. If the person does not have anyone whom they wish to ask to undertake this role, the Inquiry will provide an appropriate adult where necessary.
 - c. Agreeing with a witness that the Inquiry may contact someone to support them following a meeting or interview with the Inquiry (such as a family member, or a healthcare professional if a current patient).
 - d. Arranging meetings or interviews with the Inquiry at a time of day, or by use of video conference, which would allow a witness to take any necessary steps or seek support either before or after the session.
 - e. Providing additional information to a witness in advance of them attending a meeting or interview. This may include sending details on

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the sort of information they may be expected to provide, or providing more information in relation to the Inquiry's processes.

- f. Agreeing with a witness the duration of the meeting or interview or the frequency and duration of breaks during sessions.
- g. Providing access to emotional support through the Inquiry's dedicated support service prior to, during, or after a meeting or interview.

Approach at public hearings

- 12. The Inquiry has published a [Protocol on Restriction Orders, Redaction, Anonymity and Special Measures](#), which sets out how information may be restricted from being shared with Core Participants and with the public. This includes granting anonymity to individuals engaging with the Inquiry, if the Chair considers that it is necessary in the public interest or in the best interests of the Inquiry to do so.
- 13. The Protocol on Restriction Orders, Redaction, Anonymity and Special Measures also sets out information relating to Special Measures and how these can be requested. These are measures that are put in place at hearings to help a witness give their best evidence.
- 14. If a witness is asked to appear in person at a public hearing and they consider that they would be assisted in giving evidence by Special Measures, they can submit a [Special Measures Request Form](#) or contact the Inquiry team directly to discuss the request.
- 15. As explained in the Protocol on Restriction Orders, Redaction, Anonymity and Special Measures, some Special Measures (i.e. those that involve restricting public access to evidence, such as giving evidence at a private session or one where public attendance is restricted) will require an application for a Restriction Order to be made at the same time as the request. More information and details of how to make an application for a Restriction Order can be found within that Protocol.

Children and Young People

- 16. If a child or young person contacts the Inquiry, steps will be taken to ascertain whether they have spoken to their parent(s) or guardian in relation to the Inquiry and whether they would be happy for a member of the Inquiry team to make contact. If they do not wish to speak to their

parent and do not have another adult of choice (such as a teacher or social worker), the Inquiry will appoint an appropriate adult to be present during any Inquiry meetings or interviews.

17. Should an RLR wish for a statement to be taken from a child or young person, that Representative should contact the Solicitor to the Inquiry as soon as practicable, explaining the particular reason why it is necessary. Applications should be made by email to Contact@LampardInquiry.org.uk or by post – The Lampard Inquiry, PO Box 78136, London, SW1P 9WW.

Review

18. The Inquiry will keep this Protocol under review to ensure that it remains up to date and reflects the needs and practices of the Inquiry. It may also be reviewed if legislation changes suggest that policy or practice should be altered. Any amendments will be subject to the review and approval of the Chair.

April 2024
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