

## **Protocol on the Role and Instruction of Experts**

### **Introduction**

1. The Inquiry recognises that at times it will be necessary to engage experts to assist in fulfilling its Terms of Reference. This Protocol explains the role the Inquiry intends for experts to play in its work and the process for their instruction.

### **Role of experts**

2. The Chair may determine at any time that the Inquiry needs to engage a subject matter expert to provide specialist knowledge or analysis on a particular subject of the Inquiry's investigations. Experts may also be instructed to provide an independent assessment of the Inquiry's provisional conclusions, which may involve for example reviewing the evidential basis for those conclusions or assessing their consistency with established knowledge or practice, to support the Inquiry's overall accuracy and rigour.
3. The role of any expert witness may include:
  - a. Providing written evidence or opinions on matters pertaining to the expert's specific area of expertise;
  - b. Providing written reports, briefing papers or analysis in response to particular questions;
  - c. Attending the whole or any part of a hearing in order to provide oral evidence;
  - d. Answering questions from Core Participants or raised by the Inquiry team;
  - e. Preparing further reports as necessary; and/or
  - f. Undertaking discussions with other experts instructed or participating in panels.
4. The Inquiry may also at times assemble expert groups to encourage discussion and sharing of expertise.

## **Selection of experts**

5. The Chair may instruct one or more experts at any time she considers appropriate, either for the duration of the Inquiry or to assist with a defined part of the Inquiry.
6. The expert's function will vary depending on the matters on which they are instructed. Experts may be selected from a range of disciplines relevant to the Inquiry's work. The Chair wishes to ensure that experts engaged by the Inquiry are independent, of sufficient standing and provide candid, clear, professional opinions.
7. In order to ensure experts instructed by the Inquiry meet the Chair's requirements, experts will be selected following due diligence and consideration of the expert's suitability for the specific matters under investigation. Experts' standing within their respective fields will be assessed with reference to their qualifications, professional experience and recognition within their specialism.

## **Process of expert instruction**

### **Identification of the area in which expert evidence will be sought**

8. Core Participants will initially be informed of the Inquiry's intention to obtain expert evidence and will be informed of the type of expert and broad topic areas in respect of which instruction is proposed.
9. Core Participants will be invited to provide submissions within **14 days** in respect of:
  - a. The type of expert whose instruction is proposed; and
  - b. Broad topic areas on which instruction is proposed.
10. Where Core Participants make submissions, these should be concise and supported by a brief rationale, including reference to any evidence or Inquiry materials where relevant. Submissions should not go beyond the broad area in which the Inquiry intends to seek expert opinion. In

any event, Core Participant submissions must not exceed 5 pages and should be formatted in 11pt font with 1.5 spacing.

### **Selection and instruction**

11. The Inquiry will consider all Core Participant submissions and will conduct its own enquiries and due diligence to identify a suitable expert.
12. Any expert instruction will be approved in principle by the Chair.
13. The Inquiry will inform Core Participants of:
  - a. The name of the expert to be instructed; and
  - b. The final broad topic areas on which it is proposed they are instructed.

### **Core Participant notification and representations in respect of conflict**

14. Core Participants will be invited to provide written representations within **10 days** of notification in respect of conflict of interest and/or any other new substantial matter which in their submission the Inquiry ought to consider in relation to their instruction. Examples of substantial matters the Inquiry will consider include matters of independence, bias, and expertise gaps.
15. Where an expert will be subject to the Inquiry's declaration of conflicts and the duties set out in CPR 35, there will be a high threshold for any potential conflict precluding their instruction.
16. It is recognised that it is inevitable that many experts will have worked within the NHS and may have had some professional interactions with the Trusts. This will not in itself be sufficient to amount to a conflict, however each case and any representations from Core Participants will be considered on an individual and fact specific basis.

### **Instruction**

17. The Inquiry will discuss the proposed broad topic areas for instruction with the expert and agree upon a final instruction. These discussions

will consider the relevance, scope, and feasibility of the proposed instruction and may lead to the refinement or adjustment of the initially proposed topic areas. Where any material changes are made to the initially proposed topic areas, the Inquiry will provide an explanation of the changes and rationale when notifying Core Participants of the final instructions.

18. A precis of the final topic areas of instruction alongside an anticipated timeframe of disclosure of any expert report will then be communicated to Core Participants within **14 days** of instruction of the expert.
19. Experts will be asked to have regard to and comply with the duties set out in Part 35 of the Civil Procedure Rules and Practice Direction 35, as well as any other guidance relevant to their field of expertise.
20. Where the scope of the instruction changes after work has commenced, for example if there are any substantial changes to the areas addressed or subject matter of the expert report, a subsequent precis of the additional questions and issues will be disclosed to Core Participants.
21. The Inquiry will provide administrative support to experts during their engagement by the Inquiry, relating to their appointment and instructions. The Inquiry will also assist in the formatting of reports and in matters such as presentation of materials. Such support will be limited to logistical and presentational matters only and will not extend to influencing the content, conclusions, or independence of any expert report. Experts remain solely responsible for the substance of their opinions.
22. The Chair may, at her discretion, terminate the instruction of an expert if she no longer requires their assistance or for any other reason. Where that is the case, this will be communicated to Core Participants within 14 days of termination.

## **Supporting material**

23. The Inquiry will provide the expert any potentially relevant documentary evidence it holds to support the production of the opinion or report sought by the Inquiry.
24. Materials relied upon to form an opinion will be set out in the usual way in any expert report. In so far as the Inquiry does not hold material that an expert considers necessary to enable them to reach a conclusion on the topic under investigation, the Inquiry may seek to obtain it on their behalf and, where necessary, may use its statutory powers to do so.

## **The expert evidence**

25. Expert evidence will be given formally in reports and/or during live hearings, in response to a specific instruction, and as such can be relied upon to inform the Chair's findings or recommendations.
26. This will not preclude the Inquiry from seeking advice and assistance outside of such reports or evidence. Where this is material to any conclusion or recommendation which the Inquiry may reach, this will be disclosed to Core Participants.
27. Expert witnesses engaged to assist the Inquiry are required to exercise reasonable skill and care in carrying out their instructions and to comply with relevant professional codes of practice. An expert's overriding duty is to assist the Inquiry and to provide an unbiased view, based on relevant facts, in relation to those matters within their expertise.
28. Decisions as to whether an expert should be called to give oral evidence will be at the Chair's discretion, taking into account any representations made by Core Participants. The Chair is not bound by any expert opinion. Any findings of fact on any relevant issue, and any recommendations ultimately made are matters for the determination and judgment of the Chair alone.

## **Point of Contact**

29. 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](mailto: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**

30. 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.

**August 2025**