

Southport Inquiry

FIRST “MINDED TO” NOTE

- (1) PROTECTIVE MEASURES FOR VICTIMS (ANONYMITY, REPORTING RESTRICTIONS)
- (2) PHYSICAL ATTENDANCE AT THE HEARINGS; LIVE-STREAMING AND BROADCASTING OF THE HEARINGS
- (3) NAMES OF JUNIOR CIVIL SERVANTS/OFFICIALS IN DOCUMENTS

Introduction on “minded to” notes

1. Where he considers it conducive to:
 - a. The Inquiry fulfilling its Terms of Reference (including reporting on time); and
 - b. Obtaining the views and ensuring the fair participation of the Core Participants and the media,the Chair may issue “minded to” notes providing the **provisional** views of the Chair.
2. Where a minded to note is issued, there will be provision (in the Chair’s discretion) for one or both of:
 - a. Submissions in writing from Core Participants and the media;
 - b. Oral submissions.
3. In responding to minded to notes, the Chair encourages all those involved in the Inquiry to work constructively with him and the Inquiry’s Legal Team to ensure:
 - a. That the Terms of Reference of the Inquiry (including reporting on time) are met;
 - b. The avoidance, insofar as is practicable, of any further psychological harm to the victims, many of whom are children, and who are at risk of re-traumatisation;
 - c. That appropriate procedures are adopted which recognise the need:
 - i. to act fairly towards the victims and all witnesses and Core Participants;
 - ii. for the Inquiry to be open and transparent;
 - iii. for Core Participants to be meaningfully involved and able to participate;
 - iv. to minimise cost and delay.
4. This first minded to note covers protective measures for victims (anonymity, reporting restrictions), Core Participant remote attendance, and broadcasting of the hearings. The Inquiry acknowledges that some of those injured physically

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and/or psychology prefer the term survivor to victim, and we will seek to accommodate this wherever practicable.

(1) Protective measures for victims of the attack (Anonymity, Reporting Restrictions)

5. This first minded to note addresses the position of the following victims of the attack:
 - a. Alice da Silva Aguiar, Bebe King, and Elsie Dot Stancombe who were killed;
 - b. The eight girls in the Hart Space who were physically and psychologically injured;
 - c. The fifteen girls in the Hart Space who were psychologically injured;
 - d. The two organisers of the dance class, both psychologically injured, one of whom was also physically injured;
 - e. The adult male from an adjacent building who was physically and psychologically injured.

The Chair is conscious that many others involved, including members of the public who intervened and/or helped with first aid, and members of the uniformed services who responded, are also victims in the sense of having been significantly affected, and in some cases, they have suffered psychological injuries. Wherever appropriate, such witnesses will be supported through the Inquiry's vulnerable witness process¹. However, this first minded to note focusses on the **29** victims specified at a. - e. (and their families), above, because important early procedural decisions need to be made about anonymity and reporting restrictions in relation to them.

6. The Chair has been engaged in early meetings with the victims of the attack. He is acutely conscious of the need to seek to protect the victims of the attack and their families against further trauma. The Chair has been made aware that many of the victims/their families do not wish there to be publicity/further publicity surrounding their individual injuries. Although an outline of the physical injuries to the surviving victims with physical injuries was set out in public in the sentencing hearing, significant concern has been expressed at the potential for re-traumatisation if there is further publicity concerning that information, especially if more detail is released. For the families of the child victims, the generally expressed view has been a strong desire for anonymity measures to be put in place to limit the risk of further psychological harm. Concerns have been expressed to the Chair by the victims/their families, that while the procedural

¹ See the separate 'Protocol on anonymity, other special measures for witnesses, and vulnerable witnesses'

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protections afforded to them in the criminal process were achieved by reporting restrictions (see §7, below) this proved problematic in practice.

7. HHJ Menary KC (on 1 August 2024) and Mr. Justice Goose (on 23 January 2025) made reporting restriction orders the effect of which were to prohibit (while the child victims remain under 18 years of age) any publication (any newspaper, magazine, public computer work, internet website, social media application, sound or television broadcast or cable or satellite programme service or any media broadcast) of:
 - a. The names of the children who were present at the Hart Space on the 29 July 2024;
 - b. Any photographic or other image of the children;
 - c. Any other particular likely or calculated to lead to the identification of any of the children.

The orders prohibit such publication or broadcasting if the matter being published or broadcast is either on its own or if taken in conjunction with any other material in the public domain likely or calculated to be likely to connect them to the criminal proceedings being held at the Crown Court at Liverpool. The Chair considers that these orders bind the Inquiry as they bind all others within the jurisdiction.

8. The Chair emphasises that the openness and transparency of the hearings is very important. That is so in particular having regard to:
 - a. The fundamental principle of open justice (expressed in numerous cases, including *Attorney-General v Leveller Magazine* [1979] A.C. 440). The principle of open justice applies not only to the Inquiry's hearings but also to the Inquiry's processes;
 - b. That a very important aspect of the principle of open justice is the naming of those before the court (*Re Guardian News and Media Ltd* [2010] 2 AC 697);
 - c. The resultant principle that restrictions on the principle of open justice, including the making of an order for anonymity, requires cogent justification.

Where there is conflict between the Article 8 ECHR right to family and private life and the Article 10 rights of the media, there should be a focus on the comparative importance of the specific rights claimed in the individual case, with the justifications for interfering or restricting each right being taken into account and the proportionality test applied to each (*In Re S (A Child) (Identification: Restrictions on Publication)* [2004] UKHL 47).

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9. The families of those murdered. The names of the three girls killed in the attack and their parents are clearly in the public domain. The Chair wishes to ensure that there is appropriate protection (where applicable) for the surviving siblings and to ensure that irrelevant personal information is not disclosed in relation to the proceedings of the Inquiry.
10. The surviving child victims. Eight girls suffered physical and psychological injuries in the attack. Fifteen girls suffered psychological injuries but without direct physical injury.
11. Adult victims in the Hart Space. Two adult victims (one female and one male) suffered physical and psychological injuries. One further female adult victim acted to shelter a child victim and suffered psychological injuries. The Chair currently considers that the names of each of these individuals is already in the public to the extent that anonymising them in the Inquiry may not serve any useful purpose.
12. Having regard to these considerations, the Chair is minded to:
 - (1) Make appropriate restriction orders to ensure that there is protection (where applicable) for the surviving siblings of the girls who were murdered, and to ensure that irrelevant personal information is not disclosed in relation to the proceedings of the Inquiry.
 - (2) Grant anonymity and ciphering to each of the surviving child victims (those who suffered physical and psychological injuries; and those who suffered psychological injuries).
 - (3) Grant anonymity and ciphering to the parents and (where applicable) siblings of each of the surviving child victims.
 - (4) Make consequential orders to prevent identifying information (addresses, schools, appearance, image etc.)
 - (5) Take practical measures at the hearing venue to ensure such protection.
 - (6) (Subject to any application to the contrary) use the names of the adult victims who were in the Hart Space on the basis that their names are already in the public domain. The effect of these orders would be that in relation to all those granted anonymity, their names would be replaced by ciphers and only those ciphers will be used when the evidence is given, including in relation to impact evidence hearings.
13. Many of the victims/their families have emphasised that they do not wish details of the specific injuries to be publicised as a result of the proceedings of this Inquiry. Having regard to those concerns, and in the interests of the welfare of the victims, in particular the child victims, the Chair is minded to:

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- (1) Control and restrict (in the exercise of his general discretion) how much detail regarding the injuries sustained by each victim is aired in oral and written evidence used in the Inquiry hearings. In this regard, the Chair notes that the fact and gravity of the injuries sustained is not in dispute, and the main focus of Phase 1 of the Inquiry is on preventability;
- (2) Consider, on a case by cases basis for each victim/their family, whether Reporting Restrictions may additionally be required in relation to any particular victim/their family, as concerns the nature and extent of injuries suffered by that victim.

To the extent that some victims/their families do not object to (or positively wish to secure) publication of the extent of the relevant injuries, the Chair is minded to allow that to occur.

(2) Physical attendance at the hearings; Live-streaming and broadcasting of the hearings

14. Section 18 of the Inquiries Act 2005 provides as follows:

“18 Public access to inquiry proceedings and information

- (1) Subject to any restrictions imposed by a notice or order under section 19, the chairman must take such steps as he considers reasonable to secure that members of the public (including reporters) are able—*

(a) to attend the inquiry or to see and hear a simultaneous transmission of proceedings at the inquiry;

(b) to obtain or to view a record of evidence and documents given, produced or provided to the inquiry or inquiry panel.

- (2) No recording or broadcast of proceedings at an inquiry may be made except—*

(a) at the request of the chairman, or

(b) with the permission of the chairman and in accordance with any terms on which permission is given.

Any such request or permission must be framed so as not to enable a person to see or hear by means of a recording or broadcast anything that he is prohibited by a notice under section 19 from seeing or hearing.”

15. In this note:

- a. **Live-streaming** is to denote the live-streaming of hearings to facilitate remote attendance by Core Participants and (where applicable) their legal representatives. This may involve a short delay being imposed on

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the streaming link to guard against accidental disclosure of material protected by Restriction Orders.

- b. **Broadcasting** is used to denote permitting the (delayed) live-stream to be provided to both the media and the public at large.
16. The default position is that all hearings of the Inquiry will be open to the public (including the media) by physical attendance at the hearing, and that, subject to particular anonymity and reporting restrictions orders that may be issued (and those issued in the criminal proceedings), the media can report on the hearings of the Inquiry.
17. In addition, the Inquiry intends to publish official transcripts of each day of the Inquiry's hearings.
18. For Phase one of its hearings, the Inquiry's principal hearing venue will **be Liverpool Town Hall**. That venue has been chosen because it will allow:
 - a. Sufficient space for the victims and their legal representatives, and other Core Participants both to attend, and to have reasonable space and facilities for private consultations;
 - b. Sufficient space for the open justice principle to be by sufficient spacing being available for public and media attendance at the main hearing venue. This may include a local extension feed to other rooms within the hearing venue.
19. The sequencing of the first parts of Phase 1 of the Inquiry's hearings is likely to be:
 - a. An opening statement by the Chair;
 - b. Commemorative and Impact Evidence hearings where the Chair will hear from the bereaved families and the victims as to the impact of the attack;
 - c. Evidence concerning the attack itself; then
 - d. All of the evidence concerning how the risk posed by the perpetrator was assessed and responded to prior to the attack.
20. For practical reasons, the Inquiry may on occasions need to hold hearings at an alternative venue to the Liverpool Town Hall.
21. Subject to whether the technical arrangements can be made, the Chair is minded to permit both live streaming and broadcasting of his opening statements.
22. Having regard to the welfare of the victims, and in particular the child victims, the risk of further traumatising and the need to protect anonymity, the Chair is currently minded not to permit broadcasting of the Impact Evidence Hearings or

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evidence concerning the attack itself but to permit livestreaming of these to the Core Participants/the legal representatives (subject to confidentiality undertakings). The Chair is however minded to hold these hearings in public in accordance with §16 above.

23. As regards all of the evidence concerning how the risk posed by the perpetrator was assessed and responded to prior to the attack, the Chair is minded to permit livestreaming of these to the Core Participants/the legal representatives (subject to confidentiality undertakings) and to hold these hearings in public in accordance with §16 above. The Chair wishes to hear submissions from the Core Participants and the media as to the advantages and disadvantages of permitting broadcasting of this part of the Phase 1 hearings.

(3) Names of junior civil servants / officials in documents

24. A question that arises for public inquiries is the approach to be taken to the names of junior Civil Servants or other public officials whose names appear in documents. The names of Civil Servants up to Grade 6 (those below the Senior Civil Service (SCS)) are often redacted in material released under the Freedom of Information Act 2000, or in other public facing documents. In judicial review proceedings, the Court of Appeal has made clear that, "... defendants in judicial review proceedings do not fulfil their duty of candour if (save for good and specific reasons) they disclose documents with redactions of the names of civil servants" *R (IAB) v Secretary of State for the Home Department* [2024] EWCA Civ 66 at §36. Practice in Public Inquiries has varied.
25. Given that Phase 1 of the Inquiry will be considering operational level decisions and assessments made by officials below SCS level (or their equivalents in non-central government departments) the Chair is minded not to redact the names of officials merely on the ground that they are below SCS level. This would not affect any redaction that may be sought on separate grounds appropriate to any individual based on individual factors.

Invitation to make submissions

26. The Chair wishes to emphasise that the indications given above are only "minded to" indications and are subject to submissions that may be made.
27. Submissions are invited from Core Participants and the Media on each of the "minded to" indications given at paragraphs 12, 13, 21-23, and 25 above.

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28. The Chair requests that such submissions should:
- a. be provided by no later than **4 pm on 25 June 2025**;
 - b. be in Word Format;
 - c. be concise and should not generally exceed 15 pages in length;
 - d. a font size of not less than 11-point should be used and line spacing should not be less than 1.5;
 - e. should only cite authorities insofar as it necessary to establish the proposition of law the authority establishes.

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11 June 2025.