

Southport Inquiry

PROTOCOL ON ANONYMITY, OTHER SPECIAL MEASURES FOR WITNESSES, AND VULNERABLE WITNESSES

Introduction

1. The purpose of this Protocol is to set out the approach the Inquiry will take to the consideration of anonymity and other special measures for witnesses, and its approach to vulnerable witnesses.
2. The procedures outlined below are not intended to cover every eventuality or every procedural issue that may arise. It follows that, in exceptional cases, where the interests of justice and fairness require it, the Inquiry may need to depart from this Protocol. Further, this Protocol may be amended from time to time, in which case an amended version will be published on the Inquiry website.
3. For the purposes of this Protocol a **“witness”** is anyone who gives evidence to the Inquiry, regardless of whether they are also a Core Participant.
4. **“Risks”** in this Protocol refers to risks to personal safety and risks of an unjustified interference with private or professional life.
5. A person shall be considered **“vulnerable”** for the purposes of this Protocol if there is a significant risk that, by reason of one or more personal characteristics, they will:
 - a. experience psychological harm beyond the stress normally associated with preparing for and giving evidence;
 - b. suffer a likely detrimental effect in the quality of any statement or evidence which they give;
 - c. require greater than normal support to ensure their participation; and/or
 - d. be at significant risk that by giving evidence they may suffer a worsening of their mental health or wellbeing.
6. The Inquiry recognises that such vulnerabilities may arise from characteristics including, but not limited to any of the following:
 - a. age;
 - b. a significant impairment of intelligence or social functioning;
 - c. a recognised mental illness;
 - d. physical disability or illness;
 - e. substantial fear or distress related to testifying about matters relevant to the Inquiry;
 - f. difficulties with communicating in spoken English;

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- g. difficulties with communicating in written English;
- h. difficulties with reading;
- i. any condition which, whilst not amounting to an illness, is such as to affect significantly the ability of the individual to be a witness or potential witness.

The General Approach

7. The Inquiry has a duty to treat all witnesses fairly. The Chair wishes to ensure that all witnesses can give their best evidence. The process of being a witness does not begin once sitting in the witness box, but includes preparing for, making, editing and approving any formal statement (written or otherwise).
8. Witnesses will ordinarily be expected to give evidence at hearings of the Inquiry in person, in their own names, and in view of the Chair, the Core Participants, legal representatives present and the public.
9. However, in the interests of fairness to witnesses and achieving the best evidence, the Inquiry may depart from this default position:
 - a. of its own initiative. Examples would include:
 - (i) cases where personal or professional circumstances or the Inquiry's administrative requirements might justify the witness giving evidence remotely via video link;
 - (ii) the Inquiry taking appropriate measures to support a vulnerable witness;
 - b. where the witness applies for dispensation to give evidence via video link;
 - c. where the witness applies for special measures owing to a risk to personal safety and/or of unjustified interference with private or professional life or vulnerability.

Those who may seek to apply for anonymity

10. It is particularly important that any person who considers themselves likely to be a witness to this Inquiry and who may ask for their name to be anonymised (even in documents provided to the Core Participants) must notify the Solicitor to the Inquiry **without delay**.¹ This is because the Inquiry will be moving as rapidly as possible towards the disclosure of relevant documents to the Core Participants. Such potential witnesses should not wait until they receive a formal request for a witness statement before contacting the Solicitor to the Inquiry.

¹ However, this does not apply to those already covered in the First "Minded to" note.

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Identifying risks and vulnerabilities

11. More generally, it is important that witnesses and (where applicable) their legal representatives should notify the Solicitor to the Inquiry of any relevant risks and vulnerabilities **at the earliest opportunity**. Individual's risks and vulnerabilities and needs may change over time and should be communicated to the Solicitor to the Inquiry as soon as they are discovered.

Special measures to address witnesses at risk

12. Where a witness or potential witness raises a risk regarding their personal safety and/or of an unjustified interference with private or professional life, then:
 - a. if the Chair considers it a clear and obvious case, he may give notice to the Core Participants of his intention to provide special measures (whether anonymity, screening or other special measures).
 - b. in other cases, the Inquiry will require a written application for special measures (whether anonymity, screening or other special measures). Such an application should be in two parts. An OPEN part which can be provided to the Core Participants and a CLOSED part to be considered by the Chair and the Inquiry's Legal Team. The CLOSED part must be strictly restricted to information that is confidential, and which could not be supplied to the Core Participants without doing the harm which the application seeks to avoid. Core Participants will be given an opportunity to respond in writing and the Chair will issue a written ruling (usually without a hearing).

Special measures to support vulnerable witnesses

13. Where the Inquiry identifies that a witness is vulnerable within the meaning of this Protocol, the Chair may direct that special measures be taken to assist a witness in participating effectively as a witness and/or to improve the quality of their evidence.
14. Before making any direction, the Chair shall, where possible, ascertain and take into consideration the views of the witness.
15. The Chair will take reasonable measures to advise Core Participants of measures being taken to support vulnerable witnesses where this is appropriate, but they will not ordinarily be subject to applications and rulings.

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16. The Chair has a wide discretion to make such directions as he considers necessary to achieve the best evidence from any vulnerable witness. Such directions may include, but are not limited to any one or more of the following:
- a. the making of a recorded interview in place of (or, exceptionally, in addition to) a written statement. Where a witness is unable to make a witness statement in the normal way or the Chair considers it appropriate to do so, the account of an individual may be taken by way of a recorded interview. The interview shall be conducted in a manner approved by the Chair. The interview will normally be conducted by a member of the Inquiry Counsel team, although the Chair may approve another individual outside that team to conduct the interview;
 - b. regular breaks at prescribed times;
 - c. evidence via video link instead of in person;
 - d. the support of a friend or relative, care professional, mental health worker etc. (sitting with the witness as they give evidence). Any such person shall play no part in the witness giving evidence unless directed to do so by the Chair;
 - e. the appointment of an interpreter;
 - f. live link from a location outside the Inquiry room;
 - g. time limits for questioning a witness;
 - h. requirement for any questions from Core Participants to be provided in advance in writing and asked by Counsel to the Inquiry. A preliminary hearing for establishing the appropriate boundaries for questioning.

General principles relating to the questioning of vulnerable witnesses

17. While there is a general presumption that only Counsel to the Inquiry will question vulnerable witnesses, Rule 10 of the Inquiry Rules 2006 ('the Inquiry Rules') is still applicable. The following additional rules shall also apply, if and to the extent that questioning of a vulnerable witness is permitted following an application under Rule 10(3) or (4) of the Inquiry Rules:
- a. any questions must be straightforward and appropriate for a witness with his or her vulnerabilities;
 - b. unless the Chair directs otherwise, any questions must be discussed in detail with Counsel to the Inquiry not less than 24 hours before the witness is due to give evidence and, if Counsel to the Inquiry is dissatisfied with the proposed questioning, the matter shall be referred to the Chair for determination.

Vulnerable witnesses who are unable to give evidence before the Inquiry

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18. If the Chair determines that, by reason of their vulnerability, a witness is unable to give evidence, in person, before the Inquiry he may:
 - a. permit any signed statement or recorded interview made by that person to be received in evidence; and/or
 - b. if no recorded interview exists, instruct Counsel to the Inquiry to conduct such an interview (if reasonably practicable so to do).

Children and young people

19. The police did not take witness accounts from the child victims. In the majority of cases, the Chair does not expect to seek or receive witness evidence from the child victims.
20. It is however possible that the Chair will be asked to consider witness accounts from the surviving child victims. This may arise because:
 - a. the child victim positively wants to offer such an account;
 - b. exceptionally, the Chair might be asked to consider obtaining such an account.
21. In any such case, the welfare of the child victim will be a central consideration.
22. Should any recognised legal representative of a Core Participant wish a statement to be taken from any of the child victims, they should make an application to the Chair as soon as practicable, explaining the particular reason why it is necessary.
23. In deciding whether such a statement should be taken, the matters which the Chair will take into account include:
 - a. the welfare of the child victim, including in particular whether they can participate without being caused unacceptable further trauma;
 - b. the age, maturity and individual character of the child victim;
 - c. the importance of the information which can be given by the young person;
 - d. whether that information is available from other sources (especially witnesses over 18);
 - e. the wishes of the child victim;
 - f. the views of the parents or carers of the child victim and those of any professionals who work with them;
 - g. any medical/psychological advice which may be necessary.

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24. If the Chair is persuaded that any such account should be obtained, he may direct the manner in which any statement is to be taken and/or the manner in which evidence is to be given.

Assistance with vulnerability issues

25. The Inquiry Team includes counsel and solicitors with experience in dealing with vulnerable witnesses and individuals. They may be contacted by any representative who has a concern about the potential vulnerability of an individual or who needs any assistance in interpreting this Protocol.

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11 June 2025.