

Protocol on vulnerable witnesses

Witness

1. A witness is any person who gives evidence to the Inquiry, whether they are a Core Participant or not. The process of being a witness is not limited to giving oral evidence, but includes preparing for, making, editing and approving any statement provided to the Inquiry.

Vulnerable witness

2. The term 'vulnerable witness' is used widely in Courts and Tribunals. It refers to a witness who may require support and assistance to be understood or to give evidence, and the need for their evidence to be taken in a manner which reduces risk of harm to them. The purpose of this protocol is to set out the principles that will guide this Inquiry in respect of vulnerable witnesses.
3. A person shall be considered a vulnerable witness if, by reason of their experiences, and/or personal characteristics:
 - a. they may require additional support or measures to ensure their effective participation at any oral hearing; and/or
 - b. there is a risk that giving evidence may adversely affect their mental health.

Parents of babies on the indictment

4. In the light of their experiences the parents of the babies on the indictment who wish to give evidence will be entitled to special measures when giving evidence, and further individual support to help them give evidence. The support offered will be a matter of ongoing discussion between the Inquiry and legal teams for the parents.

Identifying vulnerable witnesses

5. Vulnerability may include a recognised mental or physical disability or disorder; a learning difficulty or language impairment; or any issue or condition which affects the ability of the individual to participate as a witness to the Inquiry. Anyone who may be a witness (or who is representing a witness) who is or may be vulnerable should notify the Solicitor to the Inquiry as soon as possible detailing the vulnerability, its impact on the ability to give evidence, whether an independent health assessment has been requested and special measures which may be appropriate.
6. It is important that anyone who is or may be vulnerable is identified as such at the earliest opportunity. All witnesses who are to be called to give oral evidence will be asked to notify the Solicitor to the Inquiry of any matters that may impact upon their ability to give evidence. Any changes in an individual's vulnerabilities or needs should be communicated to the Solicitor to the Inquiry as soon as they are known.

Measures to assist vulnerable witnesses

7. Where the Chair determines that a witness is vulnerable within the meaning of this protocol, she may direct that measures are put in place to assist a witness to give evidence and to improve the quality of their evidence ('special measures'). Before making any direction the Chair will ascertain and take into consideration the views of the witness on the appropriateness and nature of the special measures .
8. The Chair has a wide discretion to make such directions as she considers necessary to ensure effective participation. They may include, but are not limited to, one or more of the following:

- a. the appointment of an intermediary: the Inquiry may appoint an intermediary to assess (and report upon) the additional needs of any witness, to assist with the making of a statement and/or to assist the individual when giving evidence;
- b. the appointment of an interpreter;
- c. the giving of evidence via a live link from a location other than the Inquiry venue;
- d. screens to shield the witness from view;
- e. the support of a friend, relative or other appropriate adult (sitting with the witness as he or she gives evidence). Any such person shall play no part in the witness giving evidence unless directed to do so by the Chair;
- f. regular breaks at prescribed times.

Assistance with vulnerability issues

9. The Inquiry Legal Team includes counsel and solicitors who have experience in dealing with vulnerable witnesses and individuals. They may be contacted by any witness or legal representative who would like to discuss this protocol.
10. The Inquiry Legal Team would encourage all advocates to review the toolkits available on the [Advocates Gateway](#). The principles set out there are fundamental to the fair and sensitive treatment of vulnerable witnesses and advocates will be expected to act in accordance with them.
11. A further very useful and important resource with which all those involved in representing CPs (whether as advocate or otherwise) should be familiar is the [Judicial College Equal Treatment Bench Book](#).

Privacy Notice

12. Information and personal data collected as part of this protocol will be used by the Inquiry to put in place the practical arrangements and any special measures to allow the Chair to the investigate matters that fall within the [Inquiry's Terms of Reference](#).
13. Personal data provided to the Inquiry may be shared with other organisations or services that are involved in or supporting the Inquiry but only to the extent that they need to know. Third party organisations that assist the Inquiry with practical arrangements may include Chester Constabulary to the extent that they are assisting with witness liaison and other organisations assisting the Inquiry's work.
14. More information about how the Inquiry is processing personal data, including details of how to contact the Inquiry's Data Protection Officer, is available in the [Inquiry's Privacy Notice](#).