

The Cranston Inquiry

Witness Evidence Protocol

Introduction

1. This Protocol sets out the approach that will be taken by the Cranston Inquiry (the Inquiry) to witness evidence.
2. The Chair will decide from whom written or oral evidence (or both) will be required, following an analysis of the documentary material and any other relevant evidence. A person may be requested to provide evidence irrespective of whether they have been accorded the status of a Full Participant. The Inquiry also welcomes approaches from those who believe that they have relevant evidence to give and invites them to please contact the Inquiry's team by email at **info@cranston.independent-inquiry.uk**. The Inquiry does not undertake to accept evidence from every person who approaches it.
3. All those whom the Chair considers are able to give relevant evidence will be asked to provide to the Inquiry a written statement which follows the format and structure for witness statements described in the Annex to this Protocol.
4. Disclosure of written evidence to Full Participants is subject to a strict undertaking to the Inquiry of confidentiality by the recipient (and their legal representative) not to reveal the contents to third parties who have not signed undertakings unless and until the material is published during the course of Inquiry hearings.

Scope

5. The purpose of this Protocol is to ensure that:
 - a. witnesses (and, where applicable, their legal representatives) understand the process by which the Inquiry will seek to obtain written witness statements; and
 - b. written witness statements conform to a common standard and are provided to the Inquiry in a form which will best enable it to understand the matters to which they relate.
6. The procedures outlined below are not intended to cover every eventuality or every procedural issue that may arise. It follows that, where the interests of justice and fairness so require, 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.

Request for a Witness Statement

7. Where the Inquiry proposes to take evidence from a person or wishes to obtain further evidence from a witness who has already provided a statement, it will send that person (or their legal representative) a written request for evidence setting out the topics to be covered and the questions to be answered in the statement.

Responding to a Request for a Witness Statement

8. If a witness in receipt of a written request for a statement requires any assistance from the Inquiry, the witness should contact the Inquiry by return.
9. When responding to a written request, a witness should aim to include within their statement evidence relating to all matters or issues described in the request. The witness may refer in the statement to documents which are relevant to the Inquiry's Term of Reference. Any such reference(s) should comply with the requirements of paragraph 6 of the Annex to this Protocol.
10. The witness statement must be: (a) written in the witness's own words; (b) approved by the witness as being complete and accurate; and (c) supported by a statement of truth as required by paragraph 5 of the Annex to this Protocol.
11. Unless otherwise specified in the written request, a witness should provide an unsigned statement in draft to the Solicitor by email, which the Inquiry will consider with a view to deciding whether:
 - (a) the evidence within the draft statement needs to be clarified and / or further evidence needs to be provided; or
 - (b) the witness should be asked to sign the draft as a final written statement and submit it to the Inquiry in electronic Word and PDF format.
12. If the Inquiry considers that the evidence within the draft statement requires clarification and / or further evidence needs to be provided, the Inquiry will send a further request to the witness identifying the matters which need to be addressed and will either ask for a further draft statement from the witness or a final signed statement, as may be appropriate.
13. Where the Inquiry is satisfied that no further information or clarification is required, the Inquiry will request that the witness sign the draft as their final statement. Upon receipt of that request, the witness should return the signed statement within 7 days.

Time limits for provision of written evidence

14. The written request for a witness statement will set a date by which it is requested the statement be provided. The Inquiry will consider an application for an extension of time if there is a good reason why a witness will be unable to comply with the time limit. An application for an extension of time must be made in writing by e-mail to the Solicitor as soon as possible and, in any event, before the expiry of the period specified in the written request.

Statement in a Foreign Language

15. Where a witness wishes to make a statement in a language other than English, the statement should be provided to the Inquiry in its original form. A witness who is legally represented should also provide a certified translation of their statement made by a qualified translator. If the witness is not legally represented, the Inquiry will obtain a translation and will take such steps as it considers appropriate to ensure that the witness is satisfied that their evidence is correctly captured by the English version.
16. Where a witness is able to give written evidence in English, but, if called to give evidence in person, would prefer to give oral evidence in a language other than English, the witness statement should state clearly the need for a translator and identify the language in which any oral evidence is to be given.

Disclosure and Publication of Witness Statements

17. Prior to requesting a witness to sign their final witness statement, the Inquiry will consider whether any redactions are appropriate in accordance with its Disclosure and Redaction Protocol.
18. Any witness who wishes to have their identity withheld from disclosure or publication must make an anonymity application when submitting their statement to the Inquiry. The process for making anonymity applications will be shared by the Inquiry in writing in due course. Any requests for redactions to any part of the statement will be dealt with in accordance with the Inquiry's Disclosure and Redaction Protocol.
19. Subject to any redactions, anonymity directions or publication restrictions made by the Chair, finalised witness statements may be:
 - a. published by the Inquiry on its website; and
 - b. disclosed to full participants (where necessary to enable participation in the Inquiry) and (in some instances) to witnesses by making the documents available on the Inquiry's database.

20. The Inquiry will ordinarily disclose only the witness's final signed statement and not any draft statements. However, if a witness refuses to return a signed statement, or delays to an unacceptable extent in returning such a statement, the Inquiry may proceed to disclose any draft statement(s) produced by the witness.

ANNEX: Format of Witness Statements

If any person has difficulty in meeting the requirements of this Annex, for whatever reason, they should contact the Inquiry team who will try to provide assistance and support.

1. The draft statement should be provided electronically in Microsoft Word format in Arial font, size 12, double line spaced, with margins, headers and footers, in accordance with the template appended to this Annex.
2. The statement need not deal with the topics set out in the written request in order. The statement should be free-flowing text which makes sense without sight of the request letter, and should include any additional information that the witness considers is relevant to the Terms of Reference.
3. In the absence of instructions to the contrary, final form statements should be uploaded to the Inquiry's document sharing platform (the Inquiry team will provide further details in this regard at the appropriate time).
4. In the case of a witness who is giving evidence in relation to their current or former occupational capacity, the statement should indicate the name of the employing organisation, and the witness's current or former position or role within that organisation. A witness who is giving evidence in a private capacity need not include their home address in the body of the written statement, provided that such address has previously been notified in writing to the Inquiry.
5. The statement should end with a Statement of Truth containing the words "I believe the content of this statement to be true" followed (in the signed copy) by the signature of the witness and the date of signature.

Documents Accompanying the Witness Statement

6. Where a statement refers to any document(s), the following requirements should be met in respect of each document:
 - a. if the document has not previously been disclosed to the Inquiry, the complete document must be provided as soon as possible, and be exhibited to the statement. These documents should be provided to the Inquiry by means of upload to the Inquiry's document sharing platform (about which more information will be provided nearer the date the draft statement is due). Following receipt of the draft statement provided for in paragraph 11 of this protocol, the Inquiry will assign exhibit numbers to any exhibits and share these with the witness (or where applicable, their legal representatives) so that they can be included prior to the statement being signed.
 - b. if the document has been previously disclosed to the Inquiry, the Inquiry's Unique Reference Number ("URN") assigned to the document by the Inquiry should be included in the body of the statement.