

## **Witness Handling Protocol**

### **Introduction**

1. This Protocol sets out the approach that will be taken by the Cranston Inquiry to the management of witnesses. This document should be read in conjunction with the Inquiry's Initial Procedural Protocol, Witness Evidence Protocol and the Inquiry's Privacy Notice.
2. The Terms of Reference for the Inquiry are available [here](#).

### **Evidence Proposals**

3. The Inquiry will prepare and circulate an evidence proposal for each witness. These will be prepared and shared with Full Participants and the relevant witness (or their legal representatives) prior to that witness being called to give evidence.
4. The evidence proposal will include:
  - a. A list of topics which the Inquiry proposes to cover with that witness;
  - b. A list of documents that the witness may be asked to consider or comment upon during their evidence.
5. The evidence proposal may not list every document to which the witness may be referred, nor every topic which will be addressed in the witness' evidence. It is not intended to be exhaustive. The evidence proposals may be subject to change over time. If that occurs, an amended version will be provided to the parties listed at Paragraph 3 prior to the witness giving evidence.
6. Where possible, the Inquiry will endeavour to provide witnesses with advance notice of any documents or evidence in which they are criticised, if any, or which may be relied upon as the basis for potential critical questioning during their oral evidence.
7. Before a witness' evidence commences, Full Participants and witnesses will be given an opportunity to provide comments on the evidence proposal regarding:
  - a. Any additional topics or issues which should be explored with the witness;
  - b. Any additional documents which the witness should be asked to consider or comment upon.
8. Upon consideration of the responses received, the Inquiry will circulate a finalised evidence proposal before the witness' evidence commences. The finalised evidence proposals will be shared with Full Participants, the relevant witness and/or their legal representatives before the witness gives evidence.

### **Questioning of Witnesses**

9. The Inquiry will share a draft list of witnesses and a draft witness timetable with Full Participants prior to the relevant hearing date. These documents may be subject to change

over time, in which case an amended version will be provided to Full Participants in advance of the relevant hearing date.

10. All questioning of witnesses will be conducted by Counsel to the Inquiry.
11. A Full Participant (or their legal representatives) may write to the Inquiry requesting that specific questions are put to witnesses by Counsel to the Inquiry. Such applications must be submitted to the Solicitor to the Inquiry **two working days** prior to the commencement of the witness' evidence.
12. In exceptional circumstances, Full Participants may apply to the Inquiry for further questions to be put to the witness about a new topic or issue which has arisen during the course of the witness' evidence. The application should be raised in the first instance with Counsel to the Inquiry, who may agree without the need to refer the matter to the Chair. If no such agreement is reached, the application will be made to the Chair for determination.
13. Applications for questions to be put to a witness must identify:
  - a. The specific questions in respect of which permission is sought;
  - b. The reasons why the proposed questions should be permitted; and
  - c. If the application is out of time or has been raised following the witness' evidence, the reason why the matter was not raised in time (for example, the questions relate to new matters arising from the witness' answers in questioning).

### **Vulnerable Witnesses**

14. The term "vulnerable witness" refers to a witness who may require support and assistance to be understood or to give evidence. 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 or physical health.
15. Any witness (or their legal representatives) may make an application to the Inquiry for special measures to be applied when they give evidence. The application should specify the measures requested and provide evidence that the factors set out at Paragraph 14 above are met.
16. It is important that anyone who is or may be vulnerable is identified as such to the Inquiry at the earliest opportunity. All witnesses who are to be called to give oral evidence will be asked to notify the Inquiry of any matters which may adversely impact upon their ability to give evidence. Any relevant changes in an individual's vulnerabilities or needs should be communicated to the Inquiry as soon as they are known.

17. Where the Chair of the Inquiry determines that a witness is vulnerable within the definition set out at Paragraph 15 above, he may direct that measures are put in place to assist the witness to give evidence and to improve the quality of their evidence (“special measures”).
18. It is a matter for the Chair to determine what special measures are required on a case by case basis, based on the witness’ evidenced vulnerability.