

Phase 1 Overview Protocol

Purpose of this Phase 1 Overview Protocol

1. The purpose of this Phase 1 Overview Protocol is to set out an introduction to the Inquiry, the general principles and governance underpinning the Inquiry and what activity will be undertaken during Phase 1 of the Inquiry's work.

The Manston Independent Inquiry (the 'Inquiry')

2. The Inquiry is an independent non-statutory inquiry established to investigate and report on the decisions, actions and circumstances leading to the conditions encountered by those detained at the Manston Short-Term Holding Facility ('Manston') between 1 June 2022 and 22 November 2022 (the 'relevant period').
3. The Inquiry was announced by Dame Angela Eagle, the Minister of State for Border Security and Asylum, on 12 February 2025. The Inquiry is chaired by Sophie Cartwright KC. It commenced its work on 17 March 2025.

The Inquiry's Terms of Reference

4. The Inquiry has been set up to discharge its Terms of Reference. These were published on 12 February 2025 and can be found on its website. The purpose and scope of the Inquiry are as follows:-

Purpose and Scope

To investigate and report on the decisions, actions and circumstances which led to the conditions encountered (the 'incident') by those detained at Manston Short-Term Holding Facility ('Manston') between 1 June 2022 and 22 November 2022 (the 'relevant period').

To reach conclusions of fact on the treatment of those detained at Manston during the relevant period; and then make any such recommendations regarding the handling of the incident as may seem appropriate. In particular, the Inquiry should investigate:

1. The conditions encountered at Manston during the relevant period.
2. The treatment of those detained at Manston during the relevant period by staff at Manston, including by contractor provided staff.
3. The steps taken by way of capacity planning for Manston and for onward accommodation, including hotels, for the relevant period, including identifying whether there were failings which caused or contributed to the conditions at Manston during the relevant period.
4. Whether any measures taken to improve conditions at Manston and to shorten the periods individuals spent detained at the site during the relevant period were effective, and whether any further measures could and / or should reasonably have been taken to improve conditions at Manston during the relevant period.
5. Whether there are lessons to be learned regarding the HO's handling of the incident.

The Inquiry should not make findings regarding the current running of Manston, but regard may be had to changes made and actions taken following the incident to inform recommendations.

5. The Terms of Reference provide that the Inquiry's investigations are to be a matter for the Chair and the Inquiry will investigate such matters through the analysis of documentary evidence, interviews and witness statements and evidence and findings from any previous reports regarding Manston and which relate to the relevant period.
6. The Inquiry will only hold public hearings in circumstances where a) the Chair determines that the same is necessary in order to comply with Article 3 of the European Convention on Human Rights ('ECHR') and b) the Chair consults with the Secretary of State for the Home Department regarding this necessity accordingly.

7. In accordance with its Terms of Reference, the Inquiry's aim is to produce a final report as quickly and effectively as possible. The final report will be published by the Secretary of State for the Home Department.

General principles underpinning the Inquiry's investigation

8. The Inquiry is completely independent from Government, its sponsor, the Home Office, and from any individuals or organisations it investigates, communicates or liaises with in order to fulfil its Terms of Reference.
9. The Chair will determine the Inquiry's procedures and the conduct of its investigations. The Inquiry will take reasonable steps to ensure transparency at all stages in its investigation. In accordance with the Terms of Reference, the Chair will ensure that the Inquiry only considers that level of evidence which is reasonably necessary to fulfil its Terms of Reference and satisfy the requirements of Article 3 ECHR. The Inquiry will avoid unnecessary costs in its investigation.
10. The Inquiry is an inquisitorial process. It will be for the Inquiry to gather in all relevant documentation and written evidence and to determine which witnesses it is necessary to receive written evidence from and including, to the extent that the conditions in paragraph 6 above are satisfied, oral evidence.
11. The Inquiry expects and looks forward to receiving the fullest cooperation from all individuals or organisations who hold material or evidence relevant to the Inquiry's Terms of Reference.

Phase 1 of the Inquiry's work

12. The Inquiry will approach the work required to fulfil its Terms of Reference in a series of phases. In Phase 1 of its work, the Inquiry will undertake the following main tasks:
 - issue letters to potential corporate and individual material providers requesting that potentially relevant material is identified and collated with any document destruction policies being ceased.
 - procure a document management system in order to ingest potentially relevant material from material providers.

- request and receive potentially relevant material from material providers and upload material onto the Inquiry's document management system.
- set up an Inquiry website which will provide suitable information to those detained at Manston during the relevant period and the facility to provide relevant information to the Inquiry.
- request witness statements and/or written evidence from those individuals who were detained at Manston during the relevant period and who wish to provide the same to the Inquiry and, as necessary, applying ciphers and/or redactions to that written evidence in order to protect individuals' identities from being revealed.
- conduct a relevance review and assessment of material disclosed to the Inquiry on the document management system in order to identify all the relevant issues to be investigated and to determine the steps and future phases of Inquiry work required to discharge its Terms of Reference.
- apply any necessary personal data redactions to material identified as relevant by the Inquiry.
- make further requests for material as necessary.

13. In order to undertake those tasks, the Inquiry will publish the following protocols:-

- a Phase 1 Disclosure Protocol.
- a Phase 1 Redaction and Anonymity Protocol.
- a Phase 1 Costs and Funding Protocol.
- a Phase 1 Witness Evidence Protocol for Detained Individuals.

14. This Phase 1 Overview Protocol should be read together with, and is subject to, the matters contained in those specific protocols as set out in paragraph 13. Together, they establish the framework by which the Inquiry's work in Phase 1 is completed.

15. All Protocols will be published on the Inquiry's website in due course and may, as necessary, be reviewed and updated over the duration of the Inquiry's work.

Disclosure during Phase 1

16. The Inquiry's Phase 1 Disclosure Protocol details the Inquiry's approach to inward disclosure. The focus of that Protocol is to ensure that the Inquiry is provided with all relevant material from material providers in a timely and transparent manner. This will enable the Inquiry to conduct, during Phase 1, a relevance review and assessment of material in order to identify all the relevant issues to be investigated and to determine the steps and future phases of Inquiry work required to discharge its Terms of Reference.

Witness Evidence from those detained at Manston during Phase 1

17. During Phase 1 the Inquiry will write to individuals who were detained at Manston during the relevant period in order to collect their experiences in the form of witness statements or written evidence.

18. The Inquiry anticipates that such evidence will assist it with determining its future phases of work and it is understood that a number of formal witness statements already exist in this regard.

19. Accordingly, the Inquiry's Phase 1 Witness Evidence Protocol for Detained Individuals sets out the Inquiry's approach to obtaining such written witness evidence during Phase 1.

Redactions and Anonymity considerations during Phase 1

20. The Inquiry's Phase 1 Redaction and Anonymity Protocol details the Inquiry's approach to the issue of personal data redactions and anonymisation during Phase 1. These redactions and anonymity considerations will focus, during Phase 1, on the Inquiry's application of personal data redactions necessary to comply with applicable UK data protection legislation. These considerations will also focus on the application of ciphers and other redactions needed to protect the identities of those detained individuals who are submitting written witness evidence to the Inquiry during Phase 1.

Costs and Funding during Phase 1

21. During Phase 1, eligibility for awards of funding for legal representation will be limited only to the work necessitated by the Inquiry's request for relevant written witness evidence from those detained at Manston during the relevant period as detailed in paragraphs 17 to 19 above.
22. The Inquiry's Phase 1 Costs and Funding Protocol enables the Inquiry to grant such funded legal assistance accordingly.

Future phases of Inquiry work

23. The Inquiry's work in Phase 1 will be used to inform the scope and necessity of future phases of work in order to fulfil its Terms of Reference. These may require the amending of the existing protocols and/or publishing of additional protocols in due course.

Issued under the authority of the Chair on 09 July 2025.