

Phase 2 Overview Protocol

Purpose of this Phase 2 Overview Protocol

1. The purpose of this Phase 2 Overview Protocol (this 'Protocol') is to:
 - confirm that the Inquiry is now moving to Phase 2 of its work;
 - setting out the tasks that will be undertaken by the Inquiry during Phase 2; and
 - provide clarity as to how the Inquiry's existing Phase 1 Protocols will continue to apply to the Inquiry's work.
2. The matters and procedures outlined in this Protocol 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.

The Inquiry's Terms of Reference

3. As set out in its Phase 1 Overview Protocol, the Inquiry has been set up to discharge its Terms of Reference. These were published on 12 February 2025 and can be found [here](#). 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.

4. 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.
5. The Inquiry will hold public hearings, further to the Chair's determination that this is necessary in order to comply with Article 3 of the European Convention on Human Rights ('ECHR') and further to subsequent consultations on this issue with the Secretary of State for the Home Department.

6. 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

7. The Inquiry remains 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.
8. 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.
9. 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 those from whom it determines should provide oral evidence at hearings.
10. The Inquiry continues to expect the fullest cooperation from all individuals or organisations who hold material or evidence relevant to the Inquiry's Terms of Reference. In this regard, the Inquiry notes that the Public Office (Accountability) Bill is currently before Parliament.

Completion of Phase 1 of the Inquiry's work

11. As set out at paragraph 12 of the Inquiry's Phase 1 Overview Protocol and as further detailed in its accompanying Phase 1 Protocols, the Inquiry's main tasks in Phase 1 included: -
 - issuing letters to potential corporate and individual material providers requesting that potentially relevant material is identified and collated with any document destruction policies being ceased.

- procuring a document management system in order to ingest potentially relevant material from material providers.
- requesting and receiving potentially relevant material from material providers and uploading material onto the Inquiry's document management system.
- setting 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.
- requesting witness statements and written evidence from individuals, government bodies, and organisations who were involved with the matters falling within the Terms of Reference, including Government departments, private companies, former and current Government officials, and Detained Individuals.
- conducting 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.
- applying any necessary personal data redactions to material identified as relevant by the Inquiry.
- making further requests for material, as necessary.

12. Some of the above work will continue in Phase 2. It is anticipated that new and/or further requests for material or witness statements from detained individuals may continue to be issued by the Inquiry and received during subsequent Phases. Such material and witness statements will fall to be dealt with under the Inquiry's Phase 1 Protocols which will continue in effect as appropriate.

13. However, the Inquiry has made substantial progress in respect of its tasks set out at paragraph 12 of its Phase 1 Overview Protocol. These tasks have assisted the Chair's deliberations and consultations with the Secretary of State for the Home Department with respect to the necessity to hold public hearings to comply with Article 3 ECHR. As briefly summarised in paragraph 5 above, agreement was provided and communicated

by letter on 7 November 2025 for the Inquiry to hold such public hearings in future phases of its work.

14. Accordingly, the Inquiry now proposes to initiate Phase 2 of its work as set out at paragraph 15 of this Protocol and as further detailed in its accompanying Phase 2 Protocols.

Phase 2 of the Inquiry's work

15. The Inquiry will continue to approach the work required to fulfil its Terms of Reference in a series of phases. In Phase 2 of its work, the Inquiry will:

- determine applications for Inquiry Participant status as well as designation of legal representatives where necessary.
- continue the work of receiving, considering and processing disclosure begun in Phase 1 and make further requests for material from material providers in accordance with its Phase 1 Disclosure Protocol and upload the same onto its document management system.
- continue, in accordance with its Phase 1 Witness Evidence Protocol for Detained Individuals and Phase 1 Witness Statement Protocol, to request witness statements and/or written evidence from relevant bodies and individuals, including those individuals who were detained at Manston during the relevant period and who wish to provide the same to the Inquiry.
- request and receive confidentiality undertakings from Inquiry Participants.
- determine, as appropriate, any applications for funding under the Inquiry's Phase 1 and Phase 2 Costs and Funding Protocols.
- apply, as necessary, any necessary personal data redactions, ciphers and other redactions to such further material and/or witness statements in accordance with its Phase 1 Redaction and Anonymity Protocol and Phase 2 Redaction and Anonymity Protocol.
- engage with material providers in order to ascertain and determine what further redactions are required in respect of the relevant material submitted by them.

- request any further witness statements from all other potential witnesses who may hold relevant information to assist the Inquiry in discharging its Terms of Reference.
- consider the extent of outward disclosure of relevant material required for Inquiry Participants to enable their participation in the Inquiry and then to disclose that material accordingly.
- continue to analyse material disclosed to the Inquiry in order to determine the necessary issues, further lines of inquiry and phases of the Inquiry's work.
- prepare for and hold hearings, including any preliminary hearing(s) into matters falling within the Inquiry's Terms of Reference.

16. In order to undertake new Phase 2 tasks, the Inquiry will publish the following Protocols: -

- A Phase 2 Inquiry Participant and Legal Representative Protocol.
- a Phase 2 Redaction Protocol.
- A Phase 2 Anonymity Protocol.
- A Phase 2 Costs and Funding Protocol.
- A Phase 2 Witness Handling Protocol.

17. This Phase 2 Overview Protocol should be read together with, and is subject to, the matters contained in those specific protocols as set out in paragraph 16 and, where relevant, the Inquiry's Phase 1 Protocols. Together, they establish the framework by which the Inquiry's work in Phase 2 is completed.

18. In respect of ongoing and future witness statement requests made by the Inquiry, the Inquiry will apply its Phase 1 Witness Statement Protocol, which has been amended.

19. 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.

Future phases of Inquiry work

20. The Inquiry's work in Phase 2 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 24 November 2025.