

Phase 2 Witness Handling and Questioning Protocol

Purpose of this Phase 2 Witness Handling and Questioning Protocol

1. The purpose of this Phase 2 Witness Handling and Questioning Protocol (this 'Protocol') is to set out the approach that the Manston Inquiry (the 'Inquiry') will take in its hearings to witnesses, evidence proposals and to the questioning of witnesses (including vulnerable witnesses).
2. This Protocol is subject to, and should be read with, all other Protocols which govern the conduct of the Inquiry.
3. In the Inquiry, there will be a range of evidence, from different sources, from which the Chair can draw conclusions for the purposes of her report. Oral evidence is one part of the evidential picture. It is likely that contemporaneous, documentary evidence will comprise a very important part of the evidence. The purpose of having oral hearings is to build upon the Inquiry's understanding of the underlying evidence or to test it; to resolve any factual disputes that need to be determined; or because fairness requires that a witness is afforded the opportunity to respond to criticisms either on behalf of a public authority or organisation or in their personal capacity.
4. Oral hearings will be conducted having regard to these considerations, to the Inquiry's overriding objective of meeting its Terms of Reference and to considerations of justice and fairness (having regard to the interests of both Inquiry Participants and witnesses). The matters and procedures outlined in this Protocol are not intended to cover every eventuality or every procedural issue that may arise. In exceptional cases, where the Inquiry's overriding objective or the interests of justice and fairness require it, the Inquiry may need to depart from this Protocol. In this regard, nothing in this Protocol limits the general

power of the Chair to control the proceedings including questioning of witnesses during hearings or the power to take special measures in respect of individual witnesses.

General Principles applicable to this Protocol

5. Whereas inquiry hearings are inquisitorial in nature, the Inquiry recognises that there is significant benefit in Recognised Legal Representatives of Inquiry Participants contributing to the work of the Inquiry by providing input on evidence proposals, intended lines of questioning, or by identifying documents of sufficient importance that they should be put to witnesses.
6. Given the Inquiry's demanding timetable and the Inquiry's Terms of Reference, which require the Inquiry to consider no more evidence than is reasonably necessary to discharge and address them, hearings must be focussed and time-efficient, avoiding duplication of questioning and the questioning of witnesses by multiple advocates.
7. Questioning of witnesses will primarily be conducted through Counsel to the Inquiry save to the extent provided by this Protocol.
8. Witnesses are entitled to a process which provides them with fair notice of the topics and questions that they will be asked questions about.
9. All Inquiry Participants must adhere to the processes set out below in this Protocol. Inquiry Participants should, if they wish to pursue a point with a witness, suggest and pursue lines of inquiry and applications for specific questions through the Evidence Proposal process in accordance with the procedures set out below.

Co-operation between Legal Representatives of Inquiry Participants who were detained at Manston

10. The Chair requests those representing people who were detained at Manston during the period from 1 June to 22 November 2022 co-operate with each other

so that they are not duplicating suggestions for evidence proposals or areas of questioning in relation to matters of *general* application. For example, one team might take responsibility for the questions on a given topic in relation to all witnesses whilst another team will take responsibility for another topic.

11. The Chair requests that early consideration is given to this division of work and will seek updates on it.

Evidence Proposals

12. The Inquiry will prepare and circulate Draft and Final Evidence Proposals for each witness who is giving oral evidence at the Inquiry's substantive hearings. The Draft and Final Evidence Proposals will be shared in advance with Inquiry Participants and the relevant witness (and/or their legal representatives) prior to that witness being called to give evidence. The detailed process for the preparation and circulation of Draft and Final Evidence Proposals is set out in the following paragraphs below.

13. Draft and Final Evidence Proposals prepared by the Inquiry will include: -

- a. A list of topics which it is proposed will be covered with that witness; and
- b. A list of documents about which the witness may be asked questions during their evidence.

14. Please note that not every document referred to in a Final Evidence Proposal will be put to the relevant witness. Only in exceptional circumstances and where necessary, may a document be put to a witness that was not in their Final Evidence Proposal.

15. Similarly, it may not be possible to cover every topic referred to in the Final Evidence Proposal with the relevant witness. The list of topics in each Final Evidence Proposal should not be regarded as exhaustive either. Points may

develop or arise for the first time in the course of the evidence of a witness. There will need to be some flexibility in this process.

16. It is intended that Draft Evidence Proposals for witnesses will be circulated, on a rolling basis, at least three weeks prior to the commencement of the week in which the relevant witnesses are listed to give oral evidence. Inquiry Participants will have, subject to any specific variation to a deadline provided by the Inquiry, one week in which to provide comments and suggestions covering the matters listed in paragraph 17 a. to c. below in respect of each Draft Evidence Proposal in order that Final Evidence Proposals can be produced and circulated at least one week prior to a witness giving evidence.

17. Further to paragraph 8, Inquiry Participants must, in proposing further topics or documents to explore with witnesses, have regard to the time allocated to each witness and focus upon those additional topics and documents which will really assist the Inquiry in developing its knowledge and understanding of important events or thematic issues.

18. The Inquiry will provide Inquiry Participants with a template in which responses to Draft Evidence Proposals should be collated. Inquiry Participants should indicate in their responses in that template:

a. Any *additional* key topics or issues which it is proposed Counsel to the Inquiry should examine the particular witness on including:

i. A brief explanation as to why these topics or issues should be added.

ii. Any *additional* documents which it is proposed the particular witness should be asked to consider or comment upon.

b. Any *additional* key topics or issues which the Inquiry Participant seeks permission to examine the particular on witness on. This includes:

- i. The topics or issues in respect of which permission is sought for the Inquiry Participant's advocate to examine the witness.
- ii. Whether the proposed examination will raise new issues or, if not, why the questioning should be permitted.
- iii. Why it is submitted the examination cannot be conducted by Counsel to the Inquiry.
- iv. The time requested for the examination by the advocate.
- v. Any *additional* documents which it is proposed the particular witness should be asked to consider or comment upon.

19. The template provided by the Inquiry should be used to detail all such requests for additional topics or documents, or suggestions in respect of each witness. In particular, the following methodology must be observed by each Inquiry Participant:

- a. Each Inquiry Participant should return one spreadsheet per week using different tabs for each witness in respect of whom they are making observations. Each row of the template spreadsheet should set out only one question or sub-question.
- b. The file name of each spreadsheet should, when returned to the Inquiry, be edited to make clear to which week it relates and include the Inquiry Participant's name.
- c. Inquiry Participants must specify the Inquiry Unique Identification Numbers (prefaced by "*mans001*") and pages/page ranges of any documents that are proposed to be added to Draft Evidence Proposals. The Inquiry Legal Team will make an assessment as to whether a full document or extract is provided to the relevant witness on the basis of the accompanying justification provided.

20. The Inquiry Legal Team and Chair will consider and determine Inquiry Participants' requests made in line with paragraph 18 above. The Inquiry will then aim to produce and circulate Final Evidence Proposals a week before the relevant witness is due to give evidence, which will indicate the Inquiry's changes to the Draft Evidence Proposals through use of **red text**. This will be re-circulated to Inquiry Participants, the relevant witness and/or their legal teams. The Inquiry will not provide separate responses to each individual request made by Inquiry Participants.
21. The final proposal will indicate where the Chair has granted permission to an Inquiry Participant to ask questions about a topic.
22. As set out in paragraph 7.b, in addition to circulating the Final Evidence Proposals, the Inquiry shall, where permitted in response, aim to also provide a time allocation to Inquiry Participants in order to raise issues following Counsel to the Inquiry's questioning of each witness.

Questioning of Witnesses

23. The Inquiry expects that witnesses with a legal representative will be provided with a copy of their Final Evidence Proposal and copies of any documents listed within it by their legal representatives to support their preparation for giving evidence at a hearing. Where a witness is not legally represented, the Inquiry will facilitate such access electronically and, if requested, provide a hard copy bundle to that witness.
24. On the day they give evidence, witnesses will normally have an opportunity for a short meeting with, and to be introduced to, Counsel to the Inquiry or another member of the Inquiry Legal Team. This may also be used for an update in the event of a late addition of a topic or documents (although as noted above the Inquiry will seek to avoid this arising).
25. As noted above, Counsel to the Inquiry will endeavour to examine the witness on the topics indicated on the Final Evidence Proposal but it may not be

possible to cover them all. Inquiry Participants should understand that judgments will need to be made by Counsel to the Inquiry during the questioning of a witness as to what can be accommodated within the time available.

26. As set out in paragraph 7, questioning of witnesses will primarily be conducted by Counsel to the Inquiry who will cover most of the topics with the witness save where Inquiry Participants have permission, in advance, to ask questions on a topic (and within the time allocation provided by the Inquiry).

Vulnerable Witnesses

27. 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;
- b. There is a risk that giving evidence may adversely affect their mental or physical health.

28. Any witness (or their legal representatives) may make an application to the Inquiry for special measures to be applied when they give evidence. Such applications should be made at least four weeks prior to the date on which they are scheduled to provide evidence. The application should specify the measures requested and provide evidence that the factors set out at paragraph 27 above are met.

29. 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.

30. Where the Chair of the Inquiry determines that a witness is vulnerable within the definition set out in paragraph 27 above, she may direct that special measures are put in place to assist the witness to give evidence and to improve the quality of their evidence.

31. It is a matter for the Chair to determine, with reference to paragraph 27 what special measures are required on a case by case basis, based on the witness' evidenced vulnerability.

Final Matters

32. Inquiry Participants should note that it is a matter of fairness that all witnesses have sufficient time to review and become familiar with topics and documents they may be asked about in evidence. At the same time, Inquiry Participants must be provided with sufficient time to provide comments on Evidence Proposals and prepare requests for questions for the Inquiry's review. The Inquiry considers the above framework to be fair to all involved and, therefore, any responses received that do not comply with these requirements or are submitted late are unlikely to be considered or granted and extensions of time are unlikely to be permitted.

Issued under the authority of the Chair on 23 April 2026.