

# Grenfell Tower Inquiry

## **Protocol for Witness Statements**

### **Aims**

1. A witness is a person from whom the Chairman proposes to take oral or written evidence. The purpose of this Protocol is to ensure that:
  - a. witnesses who are called to give oral or written evidence to the Inquiry understand the process by which it will seek to obtain written witness statements from them, and that
  - 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.

### **Introduction**

2. The Chairman will decide whom he wants to invite to give written or oral evidence (or both), irrespective of whether that person has been designated a core participant. The Inquiry welcomes approaches from those who believe that they have relevant evidence to give. If the Chairman considers that a person may be able to give evidence that is likely to be of assistance in fulfilling the Inquiry's Terms of Reference, the Solicitor to the Inquiry or someone acting on her behalf ("the Solicitor") will take steps to decide whether that person's evidence might assist the Inquiry. The Inquiry does not undertake to accept evidence from every person who puts his or her name forward.
3. All those who appear to be able to give relevant evidence will be asked to provide a written statement which follows the format and structure for witness statements described in paragraphs 13-21 of this Protocol.

### **Preparation of Statements**

4. Where the Inquiry proposes to take evidence from someone, or wishes to obtain further evidence from someone who has already provided a statement, it will send that person a written request for evidence pursuant to Rule 9 of the Inquiry Rules 2006 (a 'Rule 9 Request').
5. Where a witness has a recognised legal representative, the Rule 9 Request will be sent to that legal representative. The Inquiry will ordinarily expect the witness to make a statement in his or her own words with the assistance of the recognised legal representative.
6. The Rule 9 Request will contain a description of the matters to be covered by the statement. In some cases a single Rule 9 Request may be directed to a number of witnesses and contain a description of matters to be covered by each of the witnesses named in it. The Inquiry may also, in appropriate circumstances, issue separate Rule 9 Requests to the same witness covering different topics, or issue further or supplementary requests after receiving a response.
7. In the case of a witness who is legally represented
  - a. the statement should be provided in final signed form;

# Grenfell Tower

## Inquiry

- b. the statement must be provided to the Inquiry in electronic Word and PDF format;
  - c. following receipt of the statement the Inquiry may ask the witness (through their legal representative) to clarify or amplify the statement in a second or subsequent statement, which should be provided to the Inquiry in accordance with subparagraphs a and b above by the date requested by the Inquiry.
8. Witnesses who are not legally represented may prepare their own statements and submit them to the Inquiry in accordance with this Protocol, but the Solicitor may:
  - a. invite the witness to meet her for the purpose of enabling her to assist with drafting a statement; or
  - b. ask the witness to provide an unsigned statement in draft, which she will consider with a view to deciding
    - (i) whether it requires clarification or amplification, and if not
    - (ii) whether the witness should be asked to sign it and submit it to the Inquiry in electronic Word and PDF format.
9. For the purposes of paragraph 8(b)(i) above, if the Solicitor considers that the statement requires clarification or amplification in any respect, she will either:
  - a. write to the witness identifying the matters which need to be covered and ask for a further draft statement or a final signed statement, as may be appropriate; or
  - b. invite the witness to meet her for the purpose of enabling her to assist the witness in dealing with the matters identified in her letter.
10. At any meeting pursuant to paragraph 9(b) the Solicitor may invite the witness to approve and sign a final copy of the statement, or, if the circumstances require, she may send the witness a final copy of the statement for approval after the meeting or invite the witness to further clarify or amplify the statement before submitting it to her for reconsideration.
11. The Solicitor may ask a legally represented witness to follow any of the procedures set out in paragraphs 8 to 10 above and in such a case the recognised legal representative may attend any meeting between the Solicitor and the witness.
12. The Rule 9 Request, or a letter accompanying it, will set a time limit for compliance. Time limits may vary depending on the nature and extent of the evidence sought. If there is a good reason why a witness will be unable to comply with the time limit, the Inquiry will consider an application for an extension of time, but such an application must be made in writing by e-mail to the Solicitor as soon as possible, and in any event before the expiry of the time allowed.

### **Format and Structure of Statements**

13. Witness Statements submitted to the Inquiry should be on single-sided A4 size paper and comply with the following format: font and size Times New Roman 12, line spacing of 1.5 with each page numbered sequentially in the middle of the footer and each paragraph paginated sequentially (i.e. 1, 2, 3 etc.) from the beginning to the end of the statement other than the final statement of truth. The statement must bear the witness's full name on the first page of the statement and in the footer of each page.

# Grenfell Tower

## Inquiry

14. A statement submitted for or on behalf of an organisation should be made by someone who can speak about the content of the statement from his or her own knowledge at the Inquiry's public hearings.
15. If a statement submitted for or on behalf of an organisation refers to the actions taken by specific individuals who are able to give relevant factual evidence to the Inquiry, separate statements about those matters must be made by those individuals and submitted together with the organisation's principal statement.
16. The statement of a witness who is giving evidence in his or her occupational capacity should state the maker's full name, the name and address of the employing organisation, and the witness's position or role within the organisation and a statement that they are authorised by that organisation to make the statement. Where appropriate a brief biography should be included setting out the witness's experience and qualifications to make the statement.
17. A witness who is giving evidence in a private capacity need not include his or her home address in the statement. If the Inquiry does not already hold one, an address should be provided to the Solicitor separately.
18. The body of the statement should deal with the substance of the witness's evidence and should contain a brief statement explaining why the person is making it, unless that is self-evident. If it is describing factual events, they should be set out chronologically. If it is dealing with a number of different matters they should be clearly identified by means of sub-headings.
19. If the witness has made one or more statements to the police, that fact should be recorded in the statement made for the purposes of the Inquiry, which should also state clearly whether the witness consents to the police statement(s) being disclosed to the Inquiry for use in evidence.
20. The statement should end with:
  - a. a statement of truth (i.e. formal confirmation that its contents are true);
  - b. a statement that the witness is willing for the statement to form part of the evidence before the Inquiry and published on the Inquiry's web site;
  - c. the witness's signature; and
  - d. the date of signing.
21. Where a witness makes a second or further supplementary statement, that should be stated at the outset of the second or further statement, and the statement itself must be in the format set out in this Protocol.

### **Statement in a foreign language**

22. Where a legally represented witness wishes to make a statement in a language other than English, the statement should be provided to the Inquiry in its original form together with a certified translation 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

# Grenfell Tower

## Inquiry

ensure that the witness is satisfied that the English version correctly captures his or her evidence.

23. 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 written statement should state clearly the need for a translator and identify the language in which any oral evidence is to be given.

### **Reference to supporting documents**

24. Where a document is referred to in a statement:

- a. If the document has not previously been disclosed to the Inquiry, the complete document must be provided as soon as possible, and exhibited to the statement.
- b. If the document has been previously disclosed to the Inquiry the statement should quote the Inquiry's Unique Reference Number ("URN") assigned to the document by the Inquiry.
- c. Documents referred to by a witness should be numbered sequentially i.e. 1 for the first document of a particular witness, 2 for the second document and so on. These numbers should be prepared with the initials of the statement maker for example ABC/1, ABC/2.
- d. The full title of the document should be given on the first occasion reference is made to it. After that first reference, an abbreviation will be sufficient. This should be followed with a bracket in which the number of the document, for example, ("ABC/1"), and the Inquiry's URN for that document should be provided. However, as the Inquiry's URN for that document may not be known when the statement is made, a 20 character blank space should be left within the bracket for its insertion by the Inquiry's secretariat, for example "(ABC/1:                   ... )".
- e. Each statement should be accompanied by a separate index of the documents referred to in the statement identifying the documents by document number (ABC/1, ABC/2 etc.), full document description and URN (if available).

25. Any questions relating to the content or format of witness statements or exhibits should be directed to the Solicitor by email to: [solicitor@grenfelltowerinquiry.org.uk](mailto:solicitor@grenfelltowerinquiry.org.uk)

**Issued under the authority of the Chairman on 8 November 2017**

Revised 7 February 2019 with the updated process for submitting documents