

## **The Angiolini Inquiry Maxwellisation Protocol**

### **Background and Aims**

1. This Protocol sets out the arrangements that the Angiolini Inquiry, as a non-statutory inquiry, will follow for Maxwellisation.
2. Maxwellisation is the process by which an individual or organisation is notified of potential criticism/s that the Chair is minded to make in her report/s, in order to provide them with a fair and reasonable opportunity to respond in advance of the report being finalised and published.
3. This Protocol is designed to ensure that:
  - 3.1 Those individuals or organisations that are the subject of potential criticism in the Chair's report/s know how the Inquiry is approaching Maxwellisation and are given a fair and reasonable opportunity to respond to such criticism; and
  - 3.2 The Inquiry receives responses to Maxwellisation in a timely fashion and in accordance with any agreed deadlines.
4. This Protocol will apply to Part 1, the Carrick case and Part 2 of the Inquiry. The procedures outlined below are not intended to cover every eventuality or every procedural issue that may arise. It follows that, where the interests of justice and fairness require it, the Inquiry may need to depart from this Protocol. Further, this Protocol may be amended from time to time, in which case an amended version will be published on the Inquiry website.

This Protocol should be read alongside the Inquiry's Privacy Policy.

### **Warning Letters and confidentiality**

5. If the Chair is proposing to make a criticism in her report/s, a letter will be sent to the individual or organisation who is the subject of the criticism/s. The letter and accompanying material will contain details of the proposed criticism/s, along with a summary of the evidence upon which the proposed criticism/s is based (together the "Warning Letter").
6. In some cases this means that relevant extracts from the Chair's draft report/s will be provided to give context to the proposed criticism/s.

These extracts will, so far as is possible, include only those criticisms which relate to the individual or organisation to whom the Warning Letter is addressed. In some cases, a proposed criticism may relate to more than one individual and/or organisation. In such instances, the Inquiry will be writing separately to all those to whom the proposed criticism is relevant.

7. In advance of a Warning Letter being sent, the Inquiry will require all individuals who will be involved in viewing the Warning Letter to sign and return a Personal Confidentiality Undertaking to ensure ongoing confidentiality. The Inquiry will write to the relevant individuals and organisations separately to arrange this.
8. The Inquiry will be limiting the number of people provided with access to the Warning Letter, and therefore will be asking individuals and organisations to appoint the minimum number of individuals necessary for reviewing and responding to the material. The Inquiry appreciates that until an individual or organisation has had sight of the Warning Letter it may be difficult to predict who will require access. Should it become apparent after receipt of the Warning Letter that additional access is required, then a request should be made to the Inquiry in writing, setting out who this is for, and the reasons why.
9. By signing a Personal Confidentiality Undertaking, the person will be asked to:
  - 9.1 acknowledge that the material and information provided to them is confidential, and is being provided solely for the purposes of Maxwellisation;
  - 9.2 confirm that they will not share, disclose, print, or distribute in any other way any copies of the Warning Letter with anyone else, either within their organisation or outside of it, save for those individuals as agreed with the Inquiry who have signed and returned the same Personal Confidentiality Undertaking, and are subject to the same confidentiality requirements;
  - 9.3 confirm that they will not share their password or allow or facilitate any other person to access the Inquiry's CaseReady system (see further details at paragraph [11] below);
  - 9.4 undertake to take all necessary steps to preserve the confidentiality of all material and information provided to them; and
  - 9.5 confirm that they will not attempt to breach any data privacy restrictions by attempting to reveal the identity of an individual which is intentionally protected by the Inquiry.

10. No access to the Warning Letter will be given to any individual without a signed Personal Confidentiality Undertaking being provided to the Inquiry.

### **Systems used for Maxwellisation**

11. Access to a Warning Letter will be via the Inquiry's secure site, CaseReady. The material provided on CaseReady will be limited to 'view' only access, which prevents the documents from being downloaded, printed, forwarded, emailed or otherwise shared.
12. When signed Personal Confidentiality Undertakings are returned, the Inquiry will request email address details in order to set up individual accounts on CaseReady.
13. There may be circumstances where a person or organisation has to view the material via other means (e.g. in hardcopy or in person). Where this is the case, the Inquiry will make separate arrangements with the relevant individual or organisation.

### **Responding to a Warning Letter**

14. Responses to a Warning Letter should be provided using the template that will be enclosed, and within the specified timescales set out in the Warning Letter.
15. Any request for an extension to the specified timescales will generally not be permitted, save for in exceptional circumstances at the Chair's absolute discretion. Any request for an extension must be made in writing by email to [maxwellisation@angiolini.independent-inquiry.uk](mailto:maxwellisation@angiolini.independent-inquiry.uk) prior to the date specified for the response and explain the reason for the extension.
16. If the Inquiry has not received a response to a Warning Letter by the specified deadline, the Chair will assume that you do not wish to submit a response.
17. There will only be one opportunity to respond to the proposed criticism/s. The Chair will not provide a response in reply, and this process is not an opportunity to provide multiple responses to the proposed criticisms, or to receive further iterations of extracts from the draft report.
18. In the event that the Chair amends or adds to her draft report/s and this results in additional criticism/s, further Warning Letters will be sent for any new criticism/s.
19. The Inquiry team will acknowledge receipt of any response received and then share the information with the Chair. The Chair will take account of all responses when finalising her report/s.

20. The Warning Letters will only identify a limited number of individuals by name, and copies of the source evidence (i.e. the documents from which this evidence has been taken), will generally not be provided. This is for reasons of confidentiality and data protection. The Inquiry is legally obliged to comply with the provisions under data protection legislation and therefore cannot disclose information unless this is deemed to be necessary, and in accordance with the Inquiry's Privacy Policy. If, after viewing the material, an individual or organisation believes that in order to respond, it is necessary for them to have further information either about the identity of an individual or access to specific documents, a request should be made by email to [maxwellisation@angiolini.independent-inquiry.uk](mailto:maxwellisation@angiolini.independent-inquiry.uk) providing the following details:
  - 20.1 the document/s that sight is required of, or the individual/s to be identified; and
  - 20.2. the reason(s) why this is deemed necessary, including a detailed explanation of why it is not possible to respond to the proposed criticism without this information.
21. The Chair will consider each request on an individual basis and further information may be shared at her discretion, although this may involve some details within the source material being redacted.
22. Responses to Warning Letters should be submitted either via the Inquiry's CaseShare system or by email to [maxwellisation@angiolini.independent-inquiry.uk](mailto:maxwellisation@angiolini.independent-inquiry.uk). If the former, please advise the Inquiry team by email when the response has been uploaded.