IN THE NOTTINGHAM INQUIRY

DECISION IN RESPECT OF THE CPS
REQUEST TO AMEND THE REDACTION PROCEDURES

Introduction

1. The Crown Prosecution Service ("**CPS**") wrote to me by letter dated 21 August 2025 in respect of the disclosure and publication of 'junior staff' names.

2. The letter sought to persuade the Inquiry to adopt a "*two stage approach to redactions*" by which (1) the names of 'junior staff' are not redacted in initial disclosure to Core Participants and (2) consideration is then given to applying redactions prior to the hearings "*in the event that an email/document needs to be referred to at the hearing and or published at the report writing stage*".

3. The request from the CPS was not made in accordance with the Inquiry's protocols: it was not, for example, an application for a Restriction Order to prevent the disclosure of specific names in identified documents. Nevertheless, I issued a 'minded to' decision which set out my preliminary views on 1 September 2025. In summary, I was of the view that the request should be dismissed for reasons which I will repeat below.

4. Most Core Participants did not have any representations to make in respect of the 'minded to' decision. The Bereaved Families and the Survivors agreed with my proposed decision. The former filed submissions which stated that they *"agree as a matter of principle that a blanket or routine approach to redaction or to publication solely on the basis of seniority of staff (regardless of role, context, or relevance to the Inquiry) would be inconsistent with the presumption of transparency reflected in ss18-19 Inquiries Act 2005*".

5. No Core Participant raised legal objections to my proposed decision. NHS England, however, stated that, if I found it consistent with the principles of transparency, they "*would welcome"* a procedure whereby junior members of staff who did not take decisions relevant to the Terms of Reference of the Inquiry are redacted from documents which are produced in hearings, and therefore made available to the wider public.

6. The CPS did not respond to the 'minded to' decision and I therefore proceed on the basis that, whilst they do not wish to add to what has already been said, the request has not been withdrawn.

7. I explained in my 'minded to' decision that prompt resolution of this issue was necessary as there were more than 1,000 documents which were the subject of a unilateral CPS 'pause' on considering documents for onward disclosure to Core Participants. I am glad to note in this final decision that, shortly after my 'minded to' decision, the CPS resumed work on those documents and I understand that good progress is now being made.

The Inquiry's Protocols and Procedures

8. On 25 April 2025 the Inquiry published its 'Protocol on redaction, anonymity and restriction orders' ("**Redaction Protocol**"), approved by me personally as Chair of the Inquiry. It is one of several protocols published soon after the establishment of the Inquiry, intended to ensure the efficiency and effectiveness (including cost effectiveness) of the Inquiry's processes. The Redaction Protocol was not challenged by the CPS or any other Material Provider at the time of publication.

9. The Redaction Protocol sets out the process for material providers to seek redactions to documents that have been provided to the Inquiry pursuant to a request under Rule 9 of the Inquiry Rules 2006, or by virtue of the powers to compel production under Section 21 of the Inquiries Act 2005.

10. The process is already a two-stage process. The first stage ("**Stage 1**") is set out at paragraphs 9 to 11 of the Redaction Protocol, which provides as follows:

"9. On receipt of the documents, the Inquiry will review all documents before disclosure to ensure it complies with its own obligations under the UK General Data Protection Regulation and Data Protection Act 2018. The Inquiry's approach to redaction of personal data is governed by the relevance of that data to the Inquiry and the necessity of its disclosure.

10. The Inquiry will normally redact private addresses, private email addresses, private telephone numbers, dates of birth and signatures. Such information will be redacted without the need for any Restriction Order or order for anonymity (save where the particular information is relevant to the Inquiry's Terms of Reference).

11. The Inquiry will decide whether any other information needs to be redacted on a case-by-case basis."

11. There is an opportunity during Stage 1 for the Inquiry's own document reviewers to redact the names of individuals who are considered not relevant to the Inquiry's Terms of Reference. This routinely takes place in respect of, for example, those who were under the age of 18 at the time that the document was created (although, in the case of the relatives of the deceased, this opportunity has been voluntarily waived). Redactions of this nature have also taken place in respect of named patients who have not (or not yet) been identified by the Inquiry as appropriate case studies or appropriate comparators to VC. These are just two examples of circumstances where the Inquiry will proactively make redactions at Stage 1. Reviewers are able to make additional redactions to names on a case-by-case basis insofar as possible based on information that is known to the Inquiry at the time of the review.

12. The second stage ("**Stage 2**") comes at the point where the Inquiry has concluded that a document is of sufficient relevance to require disclosure to Core Participants. This is set out at paragraphs 12 to 14 of the Redaction Protocol which provides as follows:

"12. When the Inquiry has decided which documents it intends to disclose to core participants with a view to putting them in evidence, it will inform the Material Providers ("MP") so that those MPs may indicate which part or parts of the document (if any) they seek to have redacted on the grounds that its disclosure is not relevant and necessary for the purposes of the Inquiry. Reasons must be given by MPs for each proposed redaction.

13. The Inquiry will consider all requests for redaction. MPs will be notified before the document in question is disclosed to the core participants.

14. The Inquiry expects MPs to adopt a measured approach when seeking redactions and will redact documents only where there is a good reason to do so. It is anticipated that most redaction requests can be resolved through this 'common sense' process without the need for formal document-specific Restriction Orders."

13. Stage 2 takes place in a dedicated workspace specifically designed for this purpose at public expense within the Inquiry's document management system, Relativity. The workspace enables Material Providers to mark proposed redactions and provide reasons for the proposed redaction. These proposals are then considered by senior lawyers working for the Inquiry. They may be accepted, in which case the redaction is made, or they may be rejected. On occasion, further discussion takes place. There may well be information that is known to a Material Provider which changes the Inquiry's position on redaction.

14. This two-stage process is not the final opportunity for a Material Provider to seek a redaction if the matter cannot be resolved by agreement. A Material Provider is always able to make an application under s.19(2)(b) Inquiries Act 2005 for a Restriction Order. This is set out at paragraph 28 of the Redaction Protocol which states as follows:

"Applications for Restriction Orders should be made…on receipt of confirmation from the Inquiry that it wishes to disclose the document (or within 7 days of the

Inquiry confirming that it will not be making the redaction on relevance grounds, if later)."

15. To date, there have been no applications for Restriction Orders from Material Providers and at the time of the CPS's request in the region of 7,000 documents had passed through all stages ready for disclosure to Core Participants (this figure is now much higher). That is understandable because Stage 2 of the redaction process is generally approached pragmatically where case-specific reasons are given for particular sensitivity and redactions are made where that information is, on further consideration, considered not to be relevant to the Inquiry's Terms of Reference.

16. Whilst different inquiries have different processes and protocols (and different reasons for their adoption), the process that I have approved in the present Inquiry is in line with many recent significant inquiries. There is no particular process prescribed by the Inquiry Rules 2006.

The 'junior staff' issue

17. The issue concerning junior CPS staff first arose at Stage 2 of the existing process. The Inquiry's reviewers had concluded that certain documents were sufficiently relevant for disclosure to Core Participants and had completed the Inquiry's own redactions to the documents. The Inquiry's reviewers had no specific information which suggested that names of additional individuals should be redacted. The individuals were not of the type that I have already referred to, such as children or patients.

18. At Stage 2, the CPS provided the following form of words (or similar) within the Material Provider workspace in respect of a number of these documents:

"This document contains the names of junior CPS staff. Whilst we would be content to disclose names of junior staff members to CPs [Core Participants] on the basis that they are protected by the confidentiality undertaking, we are not content for any such names to be disclosed publicly at the hearings or

published. Owing to the large numbers of documents in this category and pressure of time, highlighted redactions have not been applied to each and every one at this stage."

19. The CPS varied this approach slightly in some instances to refer to individuals, providing the following form of words (or similar) within the Material Provider workspace:

"Requested because [NAME OF INDIVIDUAL] is a [ROLE] who performed administrative tasks only. Whilst we would be content to disclose names of junior staff members to CPs on the basis that they are protected by the confidentiality undertakings, we do not consider that the publication of [their] name is necessary for the Inquiry's performance of its functions and therefore should not be disclosed, per paragraph 9 of the redaction protocol, paragraph 21 of the Inquiry's privacy notice and s.8 Data Protection Act 2018"

20. In many cases, contrary to paragraph 12 of the Redaction Protocol, the specific redactions to each proposed name were not indicated on the document and no reasons other than generic wording was given for each proposed redaction. No real attempt was made by the CPS to explain why individual names, or the nature of their roles, were not relevant to the issues being investigated by the Inquiry. It appeared that the CPS were seeking a class exemption for every individual who was a 'junior staff' member simply by virtue of their lack of seniority. The definition of "junior staff" has been chosen by the CPS.

21. The Solicitor to the Inquiry wrote to Beth Smith, the Recognised Legal Representative for the CPS , on 22 July 2025 in the following terms:

"It is understood that you are considering proposing redactions to the names of certain 'junior' CPS staff. The Inquiry's position on this issue is it will not be routinely redacting names within its disclosure and that to do so: (1) would be contrary to the transparent nature of this Inquiry and the requirement of Section 18 Inquiries Act 2005 as applied to this Inquiry; (2) would interfere with its ability to understand and draw relevant links between documents and individuals; and

(3) would more broadly interfere with the Inquiry's effectiveness and efficiency (including its ability to meet the timetable that has been set by the Lord Chancellor).

The Inquiry's approach is consistent with well-established case law and practice: see e.g. R (on the application of IAB) v Secretary of State for the Home Department [2024] EWCA Civ 66.

Where there is a particular (individual-specific) good reason for seeking a redaction to a name, you are entitled under the Inquiry's protocols to propose such a redaction in the Material Provider workspace and, if rejected, to apply for a Restriction Order. Please note that the Inquiry does not expect that such applications will be routine and will not accept generic wording being used to request such redactions.

Finally for the avoidance of doubt, the Inquiry will not be operating a two-stage redaction process whereby there are different levels of redaction for Core Participants and for use at public hearings."

22. No formal challenge was made to this correspondence, which set out the Inquiry's position clearly and in terms that I had personally approved. I understand that the Inquiry legal team and the CPS also met on the same date, and the position stated in the letter in respect of 'junior staff' was reiterated. The Inquiry sent an email in similar terms to all Material Providers on 31 July 2025. Again, there has been no formal challenge to the decision set out in that correspondence and the responses to the 'minded to' decision are in general broadly supportive of the Inquiry's process.

23. By 11 August 2025 the Inquiry had written to the CPS in respect of all of the outstanding documents within the Material Provider workspace to confirm that their redaction proposals to 'junior staff' names were not agreed.

24. By email dated 12 August 2025 Laura Kaplan, a Specialist Prosecutor at the CPS, wrote to the Inquiry on the subject of 'Personal data'. She explained that the position of the CPS is that personal data "*should not be disclosed and/or published unless it is necessary for the Inquiry proceedings and/or for the Inquiry to perform its functions*". She continued that the CPS "*cannot accept a blanket approach that because an individual is named within an email chain, disclosure of their personal data is necessary*". She referred to the Inquiry's Redaction Protocol and its Privacy Notice. Whilst the CPS would be willing to agree to disclosure to Core Participants, it was said that it "*cannot accept that it is necessary to publish all names contained within the material provided".* The CPS requested a meeting with the Inquiry legal team and stated that in the interim it would "*temporarily pause the review of documents falling into this category"*.

25. I should say at this stage that I was concerned by the CPS's unilateral decision to pause its review of documents potentially affected by the 'junior staff' name issue. The Inquiry had made its position clear in the correspondence of 22 July. The CPS could have applied for a Restriction Order at that point (or in response to the rejections which had been communicated by 11 August) in accordance with the Redaction Protocol but chose not to. The Inquiry was left in the unsatisfactory position where the CPS had both refused to produce individual reasoning for many of its proposed redactions and declined to make an application for a Restriction Order.

26. A meeting took place with the Inquiry legal team on 13 August 2025. That meeting did not resolve the issue and I subsequently received the formal correspondence of 21 August 2025 from Nick Price, the Director of Legal Services at the CPS. Mr Price repeated in the letter that the CPS maintained its position that "*when deciding whether or not an individual's personal data should be published, the correct legal test to apply is one of necessity per Article 6(1)(e) of the GDPR and s.8 Data Protection Act*". He then made broadly the following points:

27. First, he referred to the Inquiry's Terms of Reference and submitted that disclosure of the names of staff members occupying junior positions "*adds nothing to the substance of the documents"*. This was contrasted with the lawyers and legal

managers who handled the case "*who hold decision making responsibilities and/or are accountable for the same"*. Accordingly, he submitted that the legal test of necessity was not met.

28. Second, Mr Price sought to distinguish the case of *IAB* (referred to by the Solicitor to the Inquiry in her correspondence to the CPS and other Material Providers), submitting that "*the court was concerned with the very specific duty of candour owed by the government in judicial review proceedings"*. He sought to distinguish the requirements in a public inquiry. Whilst the Hillsborough duty of candour has yet to achieve legislative force, it is disappointing to find such an approach being taken in the circumstances of this Inquiry.

29. Third, reliance was placed on Article 8 ECHR and it was argued that "*since the particular name of a junior civil servant would add nothing to the substance of the material provided, the public interest in open justice would not outweigh the protection to be afforded, as a class, to the Article 8 rights of those junior civil servants*".

30. Additional points were made by Mr Price, such as that it was said that the additional cost of redacting names will be small as the Inquiry is redacting other personal data (such as telephone numbers) in the same documents.

The request for a new approach to redactions

31. The Nottingham Inquiry is a statutory inquiry which was established by the Lord Chancellor because the underlying circumstances are of sufficient "*public concern*" to satisfy the requirements of section 15(2) of the Inquiries Act 2005. It goes without saying that a statutory inquiry will necessarily involve matters of real public interest.

32. Furthermore, a statutory inquiry has particular duties of transparency, as set out in section 18 of the 2005 Act. As Chair I have a duty to take such steps as I consider reasonable to secure that "*members of the public are able to obtain or to view a record of evidence and documents given, produced or provided to the Inquiry*".

That duty is not simply a duty to make disclosure to Core Participants but to the public at large in light of the public interest that I have already identified.

33. As part of its work the Inquiry will be looking into allegations that there was a lack of transparency and information provided to those affected, including by the CPS. I must therefore ensure that transparency is an important objective, and at the centre of the Inquiry itself, albeit drawing an appropriate balance with competing interests where they arise.

34. In addition to the public interest in the matters being addressed by the Inquiry, and the need for transparency, there is also the need for a prompt inquiry that is able to report within the two-year period set by the Lord Chancellor. It is in the interests of all those affected, and in the public interest, that conclusions are reached and lessons are learned within a reasonable timeframe.

35. It is with all these matters in mind that I approved the existing Redaction Protocol as the best way to meet the duty under section 18 of the 2005 Act. The effect of the current two-stage procedure is that a large body of materials are disclosed to Core Participants and from that pool a smaller number of documents will ultimately be disclosed to the public without the need for a further process. The ordinary redaction requests take place at the earlier stage (prior to disclosure to Core Participants) in order to ensure that the hearings, and preparations for the hearings, are not disrupted by yet further significant discussions about additional redactions. The Inquiry will continue to carry out its own assurance exercises over documents that will likely appear in public hearings but the burdensome formal processes will already have been concluded by that stage, thereby avoiding delay.

36. Whilst it may be possible to anticipate to some extent which of those larger pool of documents may be used (in hearings or in the report) at some earlier stage, I do not consider it to be an effective or efficient mechanism to add yet another stage of redaction requests into this process. It may also be the case that a document is only selected for use at a hearing at a late stage (or in response to a matter arising in the hearing itself) in which case the proposed alternative approach would be highly disruptive.

37. Of course, where a particular sensitivity is only identified at a late stage, the Inquiry would not rule out a late request for redaction, but these are likely to be rare and can be carried out as an exception to the established process.

38. **In light of reasons I have set out above, I therefore refuse the CPS's request to adopt a different procedure**.

39. There can be no prejudice to the CPS in adopting the approach that is set out in the Redaction Protocol. They have always been able to propose redactions to identified names and to give reasons for that proposal in the Material Provider workspace (i.e. at Stage 2). Where the Inquiry has disagreed, the CPS has been entitled to make an application for a Restriction Order in line with the applicable legislation. They have failed to do so and instead have taken issue with the established process that has been followed by all other Material Providers. This approach is regrettable.

The Inquiry's position on 'junior staff'

40. I have not found it necessary to reach any conclusions insofar as any substantive requests for redaction are concerned because no application has yet been made. The CPS's only request is for a change to the procedure, which I have refused for the reasons I have set out above.

41. Whilst I would consider any application for a Restriction Order on its individual merits, it may assist Material Providers if I set out in greater detail why the Inquiry has said that it will not simply make blanket redactions to the names of all 'junior staff' and requires specific reasoning for each redaction request. As I have not been asked to determine a specific application, I do not at this stage set out any detailed legal arguments.

42. It is wrong (as appears to have been the suggestion in the correspondence from the CPS) to say that the Inquiry does not consider its own data protection obligations. As set out at paragraph 9 of the Redaction Protocol, the Inquiry's own reviewers consider as part of their review the Inquiry's obligations under the UK General Data Protection Regulation and the Data Protection Act 2018 (and

associated ECHR rights, such as the right to privacy). The Inquiry's approach to redaction of personal data is governed by the relevance of that data to the Inquiry and the necessity of its disclosure.

43. It is precisely on that basis that the type of redactions that I have set out at paragraph 11 above are made, so as to protect the privacy of, for example, children or certain patients. However, in the absence of specific good reason for redaction, it is the Inquiry's position that the disclosure of the names of individuals who are identified in relevant documents is "*necessary*". This is an Inquiry which is being carried out in public, in the public interest and which seeks to shine an important light on events, including to establish questions of who knew what, when?

44. The CPS, amongst others, is of central relevance to those questions. Therefore, disclosure of the names of those working for the CPS (to use the CPS simply as an example at this stage) is necessary to draw links between individuals and between documents in order to gain as great an understanding of the underlying matters as possible and the role of those individuals in those matters. It is also necessary to ensure the greatest level of transparency in the Inquiry's proceedings and to reassure those affected by the tragic events, and the public, that sufficient scrutiny is being applied.

45. In a public inquiry of this nature it may well be that the relevance of a person's actions only becomes clear much further down the line, including during (or even after) the oral hearings. Information may even be known to third parties which is only drawn to the Inquiry's attention following disclosure at public hearings. In the findings that I am required to make I will not be limited in scrutinising an individual's actions just because they are said not to hold "*decision making responsibilities or accountabilities*". That is not the sole or determinative factor. The route, passage, accumulation, dissemination and communication of knowledge are just as important as the decisions made.

46. In all those circumstances, the relevant statutory tests for disclosure are met.

47. As I have said, and as the Inquiry has made clear from the outset, all Material Providers have the opportunity at Stage 2 to inform the Inquiry of case-specific

reasons why a name should not be disclosed. This has worked successfully with other Material Providers. The University of Nottingham, for example, has given good reasons why the names of certain students who were not connected to VC should be redacted.

The Terms of Reference and the CPS

48. Finally, I consider it necessary to address one further aspect of the request that was made by the CPS. Mr Price brought to my attention Paragraph 7 of the Terms of Reference which provides as follows:

> *"Consider handling by the Crown Prosecution Service of the case between 13 June 2023 and the commencement of the Sentencing hearing on 23 January 2024. Using and building on His Majesty's Crown Prosecution Service Inspectorate (HMCPSI) report, the Inquiry will further consider concerns raised by families about CPS decision-making, including:*
> *(a) as to charging and acceptance of pleas;*
> *(b) seeking the relevant information to inform decisions; and*
> *(c) handling of and communications with the survivors and bereaved families. (CPS handling of the case)"*

49. Mr Price accordingly submitted that "*staff members occupying junior positions are not responsible for any decisions relating to charging and acceptance of pleas, instruction of experts, or liaison with police, survivors or bereaved families*".

50. If it was being suggested by the CPS that their role in this Inquiry is narrow and for that reason only those who made decisions concerning the matters identified at (a) to (c) above are of relevance to the Inquiry, that does not characterise the ambit of the CPS role correctly. As I have already said, the CPS is of central relevance to this Inquiry. I am required to consider the overall handling of VC's prosecution by the CPS and items (a) to (c) are by no means exhaustive. Staff members who did not make decisions nonetheless participated in the CPS handling of the case.

51. I would note that the Inquiry has produced a list of questions, which include the following:

"37. Does the HMCPSI review accurately set out the history, the basis of decision making, and fully address the concerns raised by families in respect of the CPS analysis of and reliance upon expert evidence, and decision-making as to charging and acceptance of pleas? If not, in what respects? What else could or should have been done?

38. Did the process adopted by the CPS comply with applicable guidelines and good practice? If not, in what respects? What other steps could or should have been taken?

39. Does the HMCPSI review accurately set out the history and fully address the concerns raised by families about the handling of and communications with the survivors and bereaved families? If not, in what respects? What else could or should have been done?

40. What steps could or should be taken to improve communication with and treatment of families and survivors in similar circumstances?"

52. The list of questions is also not exhaustive and I will keep an open mind as to where the evidence takes the Inquiry. I trust that this clarification assists the CPS in understanding their role in the Inquiry and the importance of, among other things, their cooperation with the Inquiry's requests and processes.

HH Deborah Taylor

Chair

17 September 2025