

INQUIRY LEGAL TEAM NOTE
CONTENT OF WRITTEN OPENING STATEMENTS

The Ruling

1. On 30th January 2020 the Chairman ruled as follows at §26 [with added emphasis]:
 1. *I would be assisted by and will expect to receive from each of the CPs an opening statement dealing with the matters set out in item 2 above. It does not need to be lengthy. It should be served 6 weeks before the start of the oral hearings. A timetable for the provision of written opening statements and the delivery of oral opening submissions will be provided by STI in due course.*
2. Item 2 referred to by the Chairman in his ruling is at §16: “2. A narrative of the CP’s performance with respect to the Terms of Reference of the Inquiry.”
3. As part of the ruling, the Chairman made the following statement [with added emphasis]:
 24. *One of the arguments put forward on behalf of the families to justify the need for position statements was to encourage candour on behalf of the CPs. That means in practice that if they recognise that mistakes have been made by their organisation or their employees, to make that clear to the Inquiry so that remedial action can be taken...*
 25. *All the CPs in this inquiry accept that they owe a duty of candour to the inquiry. I take them at their word but will ensure compliance if necessary. I hope it will not be necessary and I have no reason to suppose that it will be.*
4. The purpose of this Note is to assist Core Participants to comply with the above.

Relevant Core Participants

5. The Ruling relates to the Core Participants to which CTI has referred as “*State and Non-State Core Participants*”. They are as follows¹:

The Chief Constable of the British Transport Police (BTP)
The Chief Constable of Greater Manchester Police (GMP)
Greater Manchester Combined Authority (GMCA)
North West Fire Control (NWFC)
National Counter-Terrorism Policing Headquarters (NCTPHQ)
NHS England
North West Ambulance Service (NWSA)
Secretary of State for the Home Department
Showsec
SMG Europe Limited (SMG)
University of Salford

Relevant Terms of Reference

6. The Ruling requires “*a narrative of the CPs performance with respect to the Terms of Reference of the Inquiry.*” Plainly not every ToR is engaged for every CP. In order to avoid confusion, promote transparency and provide directions to the CPs who are engaged in this task, the ToR which each CP is required to address in its written Opening Statement are set out in Annex 1 to this Note.
7. All CPs should note that the content of Annex 1 is intended as a guide only and is applicable solely to the content of the written Opening Statements. It is inevitable that CPs will be required to engage in other aspects of the ToR during the course of the Evidential Hearings of the Inquiry. Furthermore, in the event that any relevant CP – by reason of its particular knowledge of its own or other material or for any other reason – considers at any stage prior to 1st May 2020 that its interests are engaged in any ToR not listed against its name in Annex 1, it is essential that this is brought to the Inquiry Legal Team’s attention immediately and the topic addressed in its Opening Statement.

¹ Although the CPS is also a Core Participant, this is by reason of the ongoing trial of Hashem Abedi and not by reason of any involvement prior to 22nd May 2017 or in the immediate aftermath. As such the Inquiry Legal Team takes the view that receiving a written Opening Statement from the CPS addressing the ToR will not assist the Chairman.

Content

8. The Chairman will not be assisted by lengthy or unfocussed documents. Relevant CPs are invited to ensure that the content of their Opening Statement is aimed at the informed reader and is as efficient as is possible. The word “*narrative*” should be interpreted accordingly. The Inquiry Legal Team anticipates that the relevant CPs will address each applicable ToR using headings, where appropriate, to assist the reader.
9. Relevant CPs are reminded that what is being sought is not a general narrative, but “*a narrative of its performance*” against the ToR.
10. Given the duty of candour all relevant CPs accept that they owe the Inquiry, the Chairman will be best assisted by the use of plain and direct language when mistakes are recognised and acknowledged.
11. Where documents are referred to this should be done by inserting the INQ reference within square brackets. Any document to which reference is to be made in the written Opening Statement and which is not available on the Magnum database must be submitted to the Solicitor to the Inquiry by **4pm on 24th April 2020**.
12. For the avoidance of doubt, the effect of the Ruling is not to restrict written Opening Statements only to information falling within its scope. If it is considered necessary and appropriate, relevant CPs are entitled to include other information. However, relevant CPs are invited to make clear the part of the document which addresses the Chairman’s Ruling on Opening Statements.
13. Opening Statements will be provided to CPs and adduced in evidence. CPs should therefore prepare Opening Statements that are ready to be adduced in public and reference to the content of operationally sensitive or other sensitive material should not be included. CPs are reminded that they are subject to the terms of the Restriction Orders in place and they must be careful to ensure that Opening Statements do not breach those Orders.

Timings

14. The written Opening Statements on behalf of relevant CPs must be served on the Solicitor to the Inquiry by 4pm on **1st May 2020**.
15. Written Opening Statements on behalf of the CPs identified under the heading “Families” in the List of Core Participants and their Recognised Legal Representatives document on the Inquiry website² are not within the scope of the Ruling. As such there is no obligation for a written Opening Statement to be submitted on behalf of this group of CPs. However, the Chairman would welcome written Opening Statements from the Family CPs and considers that such documents are highly likely to be of substantial assistance to in him. If written Opening Statements are to be submitted on behalf of any of the Family CPs, they should be served on the Solicitor to the Inquiry by **4pm on 1st May 2020**.
16. The Solicitor to the Inquiry intends to circulate the written Opening Statements to all CPs by **4pm on 7th May 2020**. The Opening Statements will be circulated strictly in accordance with the terms of the confidentiality undertaking. No details of the Opening Statements circulated to all CPs are to be published prior to them being made formally during the Inquiry's Evidential Hearings.
17. A timetable relating to the delivery of oral Opening Statements will be circulated once all written Opening Statements have been received.

Inquiry Legal Team

11th March 2020

² <https://manchesterarenainquiry.org.uk/2019/wp-content/uploads/2019/12/Core-Participant-List.pdf>

ANNEX 1

The Chief Constable of the British Transport Police (BTP)	
1 iii.	The knowledge of the Security Service, the police and others about Salman Abedi, his radicalisation, and his relationship with relevant associates, including family members and others.
1 iv.	What intelligence and other relevant information on Salman Abedi and/or relevant associates was available to the Security Service, the police and others prior to the attack.
1 v.	When such intelligence/information was available.
1 vi.	The assessment, interpretation, dissemination and investigation of intelligence/information relating to Salman Abedi, including, if applicable, whether and how it was shared, who it was shared with, when it was shared, and with what effect (if any).
1 vii.	What steps were (or were not) taken by the Security Service, the police and others in relation to Salman Abedi prior to the attack.
1 viii.	The reasons for what was/was not done.
1 ix.	The adequacy of the steps that were (or were not) taken.
1 x.	The systems, policies and procedures applicable to the review, sharing and actioning of intelligence and other relevant information on Salman Abedi prior to the attack.
1 xi.	The adequacy of such systems, policies and procedures.
2 iv.	What, if anything, was known by the Security Service, the police and others about the matters above (planning, preparation, etc), what steps were taken (if any), and their adequacy.
3 i.	Events immediately prior to and following the detonation of the explosive device.

3 iii.	The immediate response to the detonation of the explosive device.
4 ii.	The security provided by relevant public/State organisations.
4 iv.	The planning, preparation, arrangements and communication (if any) between the above security providers prior to the attack, including (but not limited to) their roles and responsibilities for risk identification, person and bag-checking, and responding to a terrorist and/or mass casualty incident.
4 v.	The adequacy of (a-d) above, including their compliance with relevant planning, preparation, policies, systems and practices.
4 vi.	The impact, if any, of any inadequacies in the security arrangements, including whether any inadequacies contributed to the extent of the loss of life that occurred.
5 i.	Planning and preparation for responding to terrorist and mass casualty incidents, including inter-agency planning, preparation and exercises prior to the attack.
5 ii.	Policies, systems and practices relevant to the above.
5 iii.	The operational responses of relevant emergency services, those contracted to provide first aid to concert-goers, the operator of the Arena venue, and relevant security providers, including their adequacy and compliance with relevant planning, preparation, policies, systems and practices.
5 iv.	The inter-agency liaison, communication and decision-making between relevant emergency services, and with others, including their adequacy and compliance with relevant planning, preparation, policies, systems and practices.
5 v.	The impact, if any, of any inadequacies in planning, preparation and/or the emergency response, including whether any inadequacies undermined the ability of the response to save life and/or contributed to the extent of the loss of life that occurred.
7 iii.	Survivability, including whether any inadequacies in the emergency response contributed to individual deaths and/or whether any of the deaths could have been prevented.

The Chief Constable of Greater Manchester Police (GMP)

1 iii.	The knowledge of the Security Service, the police and others about Salman Abedi, his radicalisation, and his relationship with relevant associates, including family members and others.
1 iv.	What intelligence and other relevant information on Salman Abedi and/or relevant associates was available to the Security Service, the police and others prior to the attack.
1 v.	When such intelligence/information was available.
1 vi.	The assessment, interpretation, dissemination and investigation of intelligence/information relating to Salman Abedi, including, if applicable, whether and how it was shared, who it was shared with, when it was shared, and with what effect (if any).
1 vii.	What steps were (or were not) taken by the Security Service, the police and others in relation to Salman Abedi prior to the attack.
1 viii.	The reasons for what was/was not done.
1 ix.	The adequacy of the steps that were (or were not) taken.
1 x.	The systems, policies and procedures applicable to the review, sharing and actioning of intelligence and other relevant information on Salman Abedi prior to the attack.
1 xi.	The adequacy of such systems, policies and procedures.
2 i.	Attack planning and reconnaissance.
2 ii.	Bomb preparation and assembly, including, if applicable, relevant purchases/attempted purchases and storage.
2 iii.	The movements of Salman Abedi and other, relevant associates in the lead up to the attack.

2 iv.	What, if anything, was known by the Security Service, the police and others about the matters above (planning, preparation, etc), what steps were taken (if any), and their adequacy.
3 iii.	The immediate response to the detonation of the explosive device.
4 ii.	The security provided by relevant public/State organisations.
4 iv.	The planning, preparation, arrangements and communication (if any) between the above security providers prior to the attack, including (but not limited to) their roles and responsibilities for risk identification, person and bag-checking, and responding to a terrorist and/or mass casualty incident.
4 v.	The adequacy of (a-d) above, including their compliance with relevant planning, preparation, policies, systems and practices.
4 vi.	The impact, if any, of any inadequacies in the security arrangements, including whether any inadequacies contributed to the extent of the loss of life that occurred.
5 i.	Planning and preparation for responding to terrorist and mass casualty incidents, including inter-agency planning, preparation and exercises prior to the attack.
5 ii.	Policies, systems and practices relevant to the above.
5 iii.	The operational responses of relevant emergency services, those contracted to provide first aid to concert-goers, the operator of the Arena venue, and relevant security providers, including their adequacy and compliance with relevant planning, preparation, policies, systems and practices.
5 iv.	The inter-agency liaison, communication and decision-making between relevant emergency services, and with others, including their adequacy and compliance with relevant planning, preparation, policies, systems and practices.
5 v.	The impact, if any, of any inadequacies in planning, preparation and/or the emergency response, including whether any inadequacies undermined the ability of the response to save life and/or contributed to the extent of the loss of life that occurred.
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	Survivability, including whether any inadequacies in the emergency response contributed to individual deaths and/or whether any of the deaths could have been prevented.
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Greater Manchester Combined Authority (GMCA)

3 iii.	The immediate response to the detonation of the explosive device.
5 i.	Planning and preparation for responding to terrorist and mass casualty incidents, including inter-agency planning, preparation and exercises prior to the attack.
5 ii.	Policies, systems and practices relevant to the above.
5 iii.	The operational responses of relevant emergency services, those contracted to provide first aid to concert-goers, the operator of the Arena venue, and relevant security providers, including their adequacy and compliance with relevant planning, preparation, policies, systems and practices.
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7 iii.	Survivability, including whether any inadequacies in the emergency response contributed to individual deaths and/or whether any of the deaths could have been prevented.

North West Fire Control (NWFC)

3 iii.	The immediate response to the detonation of the explosive device.
5 i.	Planning and preparation for responding to terrorist and mass casualty incidents, including inter-agency planning, preparation and exercises prior to the attack.
5 ii.	Policies, systems and practices relevant to the above.
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7 iii.	Survivability, including whether any inadequacies in the emergency response contributed to individual deaths and/or whether any of the deaths could have been prevented.

National Counter-Terrorism Policing Headquarters (NCTPHQ)

1 iii.	The knowledge of the Security Service, the police and others about Salman Abedi, his radicalisation, and his relationship with relevant associates, including family members and others.
1 iv.	What intelligence and other relevant information on Salman Abedi and/or relevant associates was available to the Security Service, the police and others prior to the attack.
1 v.	When such intelligence/information was available.
1 vi.	The assessment, interpretation, dissemination and investigation of intelligence/information relating to Salman Abedi, including, if applicable, whether and how it was shared, who it was shared with, when it was shared, and with what effect (if any).
1 vii.	What steps were (or were not) taken by the Security Service, the police and others in relation to Salman Abedi prior to the attack.
1 viii.	The reasons for what was/was not done.
1 ix.	The adequacy of the steps that were (or were not) taken.
1 x.	The systems, policies and procedures applicable to the review, sharing and actioning of intelligence and other relevant information on Salman Abedi prior to the attack.
1 xi.	The adequacy of such systems, policies and procedures.
2 iv.	What, if anything, was known by the Security Service, the police and others about the matters above (planning, preparation, etc), what steps were taken (if any), and their adequacy.
3 iii.	The immediate response to the detonation of the explosive device.
4 ii.	The security provided by relevant public/State organisations.

4 iv.	The planning, preparation, arrangements and communication (if any) between the above security providers prior to the attack, including (but not limited to) their roles and responsibilities for risk identification, person and bag-checking, and responding to a terrorist and/or mass casualty incident.
4 v.	The adequacy of (a-d) above, including their compliance with relevant planning, preparation, policies, systems and practices.
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NHS England

3 iii.	The immediate response to the detonation of the explosive device.
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North West Ambulance Service (NWAS)

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Secretary of State for the Home Department

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Showsec	
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4 ii.	The security provided by relevant private security providers.
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SMG Europe Limited (SMG)

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University of Salford

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