

## **GUIDANCE - ON PROCEDURES**

### **General**

1. The procedure and conduct of an Inquiry under the Inquiries Act 2005 are to be such as the Chairman may direct, subject to the provisions of the Act and the Inquiries Rules 2007. In order to operate most efficiently and effectively, an Inquiry needs to operate flexibly. Procedures need to be adopted or adapted to enable this. The procedures outlined are not intended to cover every eventuality or every procedural issue that will arise.
2. When procedural decisions need to be taken, they will be taken by the Chairman with the assistance of the other members of the Inquiry Team and representations and submissions from others (if the Chairman considers that representations and submissions would be appropriate).
3. The Vale of Leven Hospital Inquiry is a public inquiry. It aims to be as open, accessible and transparent as possible.
4. The hearings of the Inquiry (at which witnesses give oral evidence) are designed to:
  - deal with the issues in the most effective and efficient way, ensuring that all relevant issues are publicly explored,
  - ensure that the material on the Inquiry website allows the public to be kept as fully informed as possible as the Inquiry proceeds,
  - ensure that those who are witnesses are afforded a fair opportunity to give their evidence,
  - ensure that Core Participants are given a fair opportunity, commensurate with the need for hearings to progress efficiently and with all reasonable speed, to participate in the process.

### **Access**

5. The Inquiry anticipates that all hearings will be in public. If, in exceptional circumstances, a decision is taken to hold any part of the hearings other than in public, that decision will only be made following consideration and determination by the Chairman and following an application made in public.
6. The Chairman expects all those attending the hearings to behave appropriately. No disruption of proceedings or disturbance by anyone will be tolerated.
7. Media representatives are encouraged to attend the hearings.
8. The Inquiry publishes transcripts of the proceedings on the Inquiry website soon after each day's proceedings.

9. At certain stages of the Inquiry the Chairman may decide to permit filming or photography of some of the proceedings and this happened in the first set of hearings in June 2010. Apart from these occasions, broadcasting or other public recording of the proceedings is not permitted.

10. There is normally no restriction on witnesses sitting in the hearing chamber before they give evidence. A Core Participant or witness may, however, make a submission to the Chairman that a particular witness should not be permitted to sit in the hearing chamber before he or she gives evidence. The Chairman will consider any such submission and communicate his decision to the parties affected.

### **Practical arrangements**

11. The hearings are being held at Maryhill Community Central Hall, 304 Maryhill Road, Glasgow, G20 7YE. Please refer to the guidance on the venue for more information.

12. The Inquiry will not normally sit on a Friday. Normal hearing hours on Mondays to Thursdays will be 10am - 12.30pm and 1.30 - 4pm.

13. In the hearing chamber, mobile phones must be set to silent mode and not used for conversation.

### **Security**

14. Maryhill Community Central Hall remains open to the public for purposes other than the Inquiry. The Inquiry has use of certain rooms only. The Chairman and Inquiry team accept no responsibility for papers, documents or personal possessions whilst anywhere in the venue. Such items, should not, therefore, be left unattended at any time.

15. Certain rooms have been set aside for use only by the Inquiry Team, Core Participants and their legal representatives, and witnesses (including patients and their relatives).

16. Except with the Chairman's express permission, no cameras or recording devices are permitted within the hearing chamber.

17. The use of mobile phones for taking photographs in the hearing chamber is not permitted.

### **Evidence to the Inquiry**

18. Witnesses will be all persons who, in the opinion of the Chairman, have evidence relevant to the Inquiry's Terms of Reference. Written statements will be taken from all witnesses in advance of the hearings.

19. Given the subject matter of the Inquiry, a number of witnesses may be elderly, frail or ill. A witness who is concerned about his or her fitness to give a statement and/or attend the hearings to give evidence, should contact the Inquiry Team as soon as possible. Witnesses who seek to be excused participation on this ground may be asked to submit medical evidence about their fitness to the Chairman.

20. The legal representatives of Core Participants (or Core Participants themselves where they are not legally represented) will be provided with a database of Inquiry material, provided they have first signed an appropriate confidentiality undertaking. The Core Participants and/or their representatives will, therefore, have had an opportunity to consider this Inquiry material in advance of the hearings.

21. Please refer to guidance on witnesses and taking evidence for more details on:

- preparing witness statements;
- obtaining documentary evidence;
- calling witnesses to give oral evidence;
- questioning of witnesses at the hearings.

## **Publication**

22. In addition to witness statements and transcripts of proceedings at the hearings, other relevant documents and information may be published on the Inquiry website when the Chairman considers it appropriate to do so. The decision to publish on the website needs to balance the desire to be as open and transparent as possible with other interests involved and the need to act fairly.

23. The Inquiry does not have the resources to provide hard copies of documents on demand to media representatives or others. Limited exception may be made, at the discretion of the Inquiry team, in order to assist journalists reporting the proceedings or for other reasons in the public interest.