



CHAIR'S STATEMENT AS TO PROGRESS AND APPOINTMENTS

ISSUED ON 14 DECEMBER 2021

As we approach Christmas I thought it would be helpful to provide an update as to the progress of this Inquiry and what the Panel and I expect to happen next year. We have moved forward in a number of significant areas necessary to fulfil our terms of reference.

The Building

As previously announced, we have secured the lease of two floors of the Corn Exchange in the Cathedral Quarter of Belfast. The building is currently being fitted out with offices and a suitable hearing room. The building was already laid with high quality cabling but this is being reviewed and enhanced so that we ensure we have the best technological services possible. The Inquiry will be moving into those premises in January 2022.

The Document Management System

It is crucial that we have a highly efficient and secure document management system and I am pleased to announce that we have secured the services of a specialist company called 'Box'. They will provide our document management system as well as training for everyone who needs to use it. Box has managed to meet all of the Inquiry's needs and have tried and tested systems which are being used elsewhere both in Government and by other large organisations. The system comes in at a very competitive cost compared with a number of other large scale document system providers.

Statement Takers

As I have previously said, in my view, we need to use the services of experienced and trained solicitors to take the witness statements from the first tranche of witnesses. Having discussed the best approach to obtaining the evidence we need from patients, ex-patients and their relatives, carers and nurses, everyone involved in the process of statement taking will receive vulnerable witness training. This will ensure that best practices are employed throughout the process whatever the degree of support required.

We have appointed a Belfast law firm to undertake the process of statement-taking and that firm is Cleaver Fulton Rankin. The lawyers from that firm involved with the Inquiry and this process will receive training and I am very pleased that Professor Penny Cooper, one of the leading experts in vulnerable witness training, has agreed to assist us in providing that training.

The Inquiry has also engaged with the Department of Justice to recruit qualified intermediaries who will be available to assist when necessary and that process is ongoing.

Other Solicitors

As I set out in my statement about my approach to Core Participant (CP) status and legal representation there are certain legal requirements which govern the way in which I may grant CP status and how I can appoint a formally recognised legal representative, and whether or not to grant funding to pay for those lawyers.

Eleven people who are affiliated with Action for Muckamore have applied to become Core Participants and have asked to be represented by Phoenix Law Solicitors. I have granted them CP status and designated Phoenix Law as their recognised legal representatives.

I have also now appointed another law firm, O'Reilly Stewart, with great experience of inquiries and human rights law, to assist others if such assistance is required and justified. They have been appointed to provide preliminary advice to those who may wish to take it as to whether or not they should apply for CP status. Depending on the advice they receive and any application they make, O'Reilly Stewart are in a position to act to represent those who need such representation before the Inquiry. In doing so they will be acting entirely independently of the Inquiry and representing the CP. As I have said before, not every witness requires to be represented by a lawyer, nor does every witness require to be a CP. I will consider each application for CP status and for legal funding individually in accordance with the protocols already issued.

As I have a duty to ensure public funds are controlled and well spent, I am bound to try to ensure that I do not encourage applications for legal funding from a plethora of different legal firms unless there is good reason to have separate representation, which of course I will consider.

Responses to the Inquiry

In response to the drive to encourage people with experiences of Muckamore Abbey Hospital (MAH) to contact us, the Inquiry team has now received around 80 contact forms. The Panel has considered the contacts and each one has been acknowledged. The process will now begin of sending out letters asking for statements to be provided and Cleaver Fulton Rankin (the statement takers) will be contacting each of those individuals. I have decided however that this process will be undertaken in different phases depending on the nature of the evidence which may be provided.

The Early Phases of the Inquiry

The first phase of the Inquiry will focus upon evidence from those with experience relating to the care of patients within MAH from the perspective of the patients. This is likely to be provided by patients, ex-patients, their relatives and carers. These witnesses will also be the first approached by our statement takers in Phase one.

The second phase of the Inquiry will focus upon a smaller group of people either with experience of caring for those within the hospital or with knowledge of how the hospital worked but not necessarily with direct experience themselves. This might include, by way of

example, nurses and other staff working at MAH as well as those with responsibilities for resettlement or the transportation of patients to and from MAH.

Once statements have been taken from all of these witnesses we will then have the material to consider how best to pursue other evidence.

The Panel expects to begin hearing witnesses from phases one and two in Spring of 2022.

Document Requests

The Inquiry has issued voluntary document requests to twenty-one potential document providers. This initial request has been a scoping exercise simply to establish whether those contacted have material relevant to our terms of reference and the categories of such material as well as the volume of it. Some have asked for short extensions which have been granted but the great majority have been able to comply with the tight timetable set. The Inquiry team is currently reviewing the correspondence to follow up with more specific document requests.

Website

The website is being regularly updated where you will find the Inquiry's important documents and protocols. If further information is required there is a telephone number on the website where a member of the Inquiry team is available to assist.

Conclusion

I hope it is obvious from what I have set out above that work has progressed at a good rate and that preparations for hearings are continuing. There is a great deal of work still to do but in the meantime I am grateful for everyone's cooperation so far. Once again I would like to repeat my call for those who haven't come forward, and who have any information they can give us which might assist the Inquiry, to contact us through the website or by telephoning 02890 515462.

In the meantime I wish everyone a merry Christmas and an enjoyable holiday season.

Tom Kark QC

Chair

14 December 2021