

CHAIR'S STATEMENT AS TO PROGRESS

ISSUED ON 21 DECEMBER 2022

1. Before the Inquiry stops work for the Christmas break, I thought it would be helpful to issue a short statement reviewing the work the Inquiry has conducted this year and outlining the evidence sessions that lie ahead.
2. It has been an important and productive year for the Inquiry. The oral hearings began in early June 2022 with the opening statements from myself, Senior Counsel to the Inquiry and the various Core Participants. After a closed session in which the Panel watched CCTV footage in respect of which criminal proceedings are ongoing, we then began hearing evidence from witnesses. Our first witness was called on 28 June 2022.
3. Since that date, the Panel has heard evidence from forty-two witnesses. Some of those witnesses have had their statements simply read to us, but the great majority have come to give evidence before the Panel in the Inquiry hearing room (or in a couple of cases, by video link).
4. It is important that I should again express the Panel's gratitude to those witnesses. Their evidence has been of great assistance to the Panel in addressing the issues that lie at the heart of the Terms of Reference and in identifying important themes that the Panel will wish to explore further as the hearings proceed. I wish to acknowledge the fortitude that they have demonstrated in providing statements to the Inquiry and in coming to tell the Panel of their experiences of Muckamore Abbey Hospital, sharing with us deeply personal and sensitive accounts. Their contribution to the work of the Inquiry cannot be overstated.
5. The evidence of the Inquiry has generally been heard in public and the transcripts published on the Inquiry's website. Where necessary, however, restrictions have been imposed in accordance with the Memorandum of Understanding that the Inquiry has entered into with the PSNI and PPS in order to protect the integrity of the ongoing criminal proceedings. Notwithstanding those restrictions, even a brief perusal of the transcripts that have been published demonstrates the breadth and the detail of the experiences about which the Inquiry has had the benefit of hearing.
6. The Inquiry hoped to complete the hearing of this first phase of evidence, relating to the patient experience, in this calendar year. This was not possible. On 23 November 2022, I made a public statement setting out the difficulties the Inquiry was facing in obtaining statements from individuals affiliated to Action

for Muckamore and the Society of Parents and Friends of Muckamore, who have been designated as Core Participants in the Inquiry. Since then I have met directly with leading members of Action for Muckamore at their request to explain my approach and to try to resolve any concerns they may have.

7. As outlined in my statement, I have done what I can to deal with their concerns and have allowed for significant changes to the Inquiry's statement taking procedure to try to accommodate them. I hope very much that we will be able to receive their evidence, which I know they want to give and we want to hear.
8. The Inquiry must however move forward, even though some of the patient experience evidence remains outstanding and we have altered the order of evidence to ensure progress. The next hearing sessions will comprise various modules of evidence which were going to be heard later in the Inquiry's programme but which the Inquiry now intends to hear during March, April and possibly May of 2023.
9. Those modules relate to the following:

Module 1 will consider the Bamford Review of Mental Health and Learning Disability in Northern Ireland and subsequent developments. The Panel will receive expert presentations on Bamford and mental health law in Northern Ireland, looking at the legislation applicable here and a comparative analysis of the law in the UK outside Northern Ireland and elsewhere.

Module 2 will consider healthcare structures and governance. The Inquiry will look at the budget provided for learning disability and mental health services, as well as the structures and roles of the various public authorities in the delivery of mental health and learning disability services in this jurisdiction.

Module 3 will be devoted to policy and procedure. This will include: policies and procedures for delivering health and social care to learning disability patients; safeguarding policies; policies relating to medication and treatment; policies relating to patients' property and finances; policies on whistleblowing and complaints, resettlement and staff training and development.

Module 4 will consider workforce planning, recruitment, retention, training and support of nurses and other staff. This module will also consider leadership education.

Module 5 will look at regulation by the Regulation and Quality Improvement Authority, and the respective roles of the Health and Safety Executive and the Patient and Client Council.

Module 6 will look at previous significant reports on Muckamore, including the Ennis Report, the Way to Go Report and the Review of Leadership and Governance.

10. Letters have been issued to the various organisations and individuals who will be expected to provide information and evidence to assist the Inquiry with respect to each module.
11. The primary objective of this phase of the evidence will be to ensure that the Panel is fully informed of matters such as the legal and regulatory framework, the organisational structures that are relevant to the Terms of Reference and the relevant policies, procedures and practices that were applicable during the timeframe with which the Inquiry is concerned. It is anticipated that the Inquiry will hear further evidence at a later stage to address the adequacy and effectiveness of the systems and processes in place at the relevant time.
12. There will therefore be a time to look in more detail at how things actually worked in practice but that is not at this stage of the Inquiry.
13. I very much hope that by the end of this next period of evidence we will be able to hear the remaining evidence relating to the patient experience. For that to happen I ask once again for cooperation from all those individuals who are affiliated to Action for Muckamore and the Society of Parents and Friends of Muckamore so that the statement taking process can begin as soon as possible within the framework that has now been set down to facilitate them.
14. I have mentioned the Memorandum of Understanding with PSNI and PPS. Following review of that document between the parties, a new version of the document was published on the Inquiry's website on 13 December 2022: [Memorandum of Understanding with PSNI and PPS](#).
15. The Inquiry has also entered into a Memorandum of Understanding with the Belfast Health and Social Care Trust (BHSCT), published on the website on 09 December 2022. This aims to provide a mechanism for appropriate steps to be taken to protect patient safety, where an allegation is made against a member of BHSCT staff in a statement, oral evidence or other material produced to the Inquiry, in circumstances where such allegation may not be known to the Trust: [Memorandum of Understanding with the BHSCT](#).
16. I would like to thank all parties involved in the preparation of those documents, which acknowledge that the Inquiry and others need to be constantly vigilant to other significant matters of interest running in parallel to the Inquiry's work.
17. In addition to the hearings and the various materials published on the Inquiry's website, it is important also to note that significant unseen work continues in the background. For example, the Inquiry has continued to work productively with the various document providers to ensure that the Inquiry will have obtained all of the documentation necessary to undertake its examination of the issues in the Terms of Reference. The Inquiry also receives ongoing queries from Core Participants and others about its work that we have tried to answer as expeditiously as possible. It is also important to recognise the various authorities and organisations with which the Inquiry is engaging, for their continuing endeavours.

18. On behalf of the Panel, I would like to thank all of those involved in making this Inquiry run efficiently. I would like to thank the Counsel team, Solicitors, the Secretary to the Inquiry, the administrative staff and security staff as well as all those who make the hearing room and transcription service work so well. We are also grateful to the counsellors whose quiet work has assisted numerous witnesses and others who have been affected by the evidence.
19. Finally, I wish all concerned with the Inquiry and interested in the work of the Inquiry a happy and peaceful Christmas and I look forward to the resumption of the Inquiry's work in 2023.

Tom Kark KC
21 December 2022