

CHAIR'S STATEMENT AS TO THE BEGINNING OF MODULES 1 - 6

ISSUED ON 20 MARCH 2023

1. Welcome back to the Inquiry which last heard evidence in December last year. So that everyone bears this in mind, this session is being live streamed on our website and although the cameras will generally be on the speaker of the moment, there may be wider shots showing the whole room. If people wish to be here but to watch and listen to proceedings without the possibility of being on camera you are welcome to do so from Hearing Room B.
2. What has been happening since we last sat to hear evidence? A good deal of work has been going on in the background.
3. First, the substantial body of evidence that we heard last year has allowed the Panel to identify several themes of inquiry which we wish to explore in greater detail and, as a result, we have made a number of requests for documentation from the Trust relating to those themes based upon the evidence we heard.
4. There has been much other significant work being undertaken by the Inquiry staff and the solicitor and counsel teams.
5. We start evidence today, which focuses upon the 6 modules of evidence which we set out in December of last year. This is evidence which will assist the Panel to understand a number of relevant areas of law, procedure and policy. As I said back in December, this is not a time for us to explore whether various pieces of legislation or various policies have worked to the benefit of patients, or have not worked, but rather we need to look at what they were, how they were devised and how they were intended to take effect. There will be time in due course to explore how effective they actually worked, but that time is not yet.
6. We also want to explore some of the previous work done by others looking into the wider Mental Health Services in Northern Ireland, and the specific reports which have focused on Muckamore Abbey Hospital itself. It is important that we learn what we can from the work which has been done previously.
7. Sean Doran KC is going to speak in more detail about the content of the modules we are going to be hearing about, over the next couple of months.

They have all been published on our website in some detail. So, I am only going to touch upon the first module here.

8. Module 1 will consider some of the Legislation governing the provision of services for Mental Health and Learning Disability here in NI as well as the law surrounding deprivation of liberty orders, and we will also be looking at the Bamford Review of Mental Health and Learning Disability as well as any subsequent developments. The Panel will receive expert presentations on Bamford and mental health law looking at the legislation applicable here and a comparative analysis of the law in the UK outside Northern Ireland and elsewhere.
9. The first presentation on Module 1 will be delivered by: Alex Ruck Keene KC – he is a barrister in practice at 39 Essex Chambers in London. His practice is focused on mental capacity, mental health and healthcare law in which he has appeared in a large number of case cases including some before the Supreme Court and European Court of Human Rights.
10. He is also a Visiting Professor at King’s College London and a Visiting Senior Lecturer at the Institute of Psychiatry, Psychology and Neuroscience, at that University. He also writes extensively, editing and contributing to leading textbooks, so we are very pleased to have secured his services to assist us.
11. Professor Roy McConkey will be giving a presentation tomorrow morning, appearing by video link. He is an expert in the provision of health services to those with learning disabilities. He has held posts within research into learning disability in Dublin, and he also has expertise in resettlement of residents in long term institutions. In Northern Ireland he held a joint appointment with Ulster University and the then Eastern Health and Social Services Board. He was also a member of the Equal Lives working group for the Bamford review and is a recognised international expert in Learning Disability services.
12. Next week counsel will call Professor Roy McClelland OBE to give evidence on behalf of the Belfast Trust. He took over as Chair of the Bamford Review of Mental Health and Learning Disability in Northern Ireland, following the unfortunate death of Professor David Bamford, and is currently Emeritus Professor of Mental Health at Queen’s University Belfast, he is also a consultant psychiatrist within the Belfast Health and Social Care Trust.
13. I am not going to introduce our speakers in each module which will follow, because it would take up too much of today’s limited time, but we have secured a series of well-informed speakers who are going to address the important topics in each of the six modules which Sean Doran is going to introduce briefly. Some of those are entirely independent in the sense that they are not giving evidence on behalf of an interested body/organisation connected to this Inquiry, others are giving evidence representing interested organisations such as the

Belfast Trust who are of course Core Participants. It will be made clear in each case what their position is. All witnesses will I hope give objective evidence designed to assist the Panel.

14. I want to thank the counsel team, the solicitors for the Inquiry and Jaclyn Richardson, the Secretary to the Inquiry and her team, for working throughout the time the Inquiry has not been sitting to put this significant package of evidence together in such a relatively short time.
15. We aim to finish all of that evidence and revert to patient evidence in May 2023 and we intend to end that section of the evidence before the Summer break.
16. May I say a few words about that? I am pleased to say that we have had written confirmation from Phoenix Law Solicitors, that their clients who are members of Action for Muckamore (AfM) and the Society of Parents and friends of Muckamore (SPFM) do now intend to make statements in accordance with the directions which I laid down last year. But, if that evidence is to be heard before the summer break, it is essential that they engage now, and I am concerned that we still do not have any of those statements in our hands.
17. The window of time in which we can allow for the statement taking process from patients and their relatives cannot remain open forever and we have already made significant alterations in the Inquiry's timetable. I can only reiterate once again that the time for them to engage with us has come. It is now.
18. The current intention is that after the final part of the patient experience, we will start to hear evidence from members of staff at the hospital. It is crucial to the Inquiry to hear from the staff of the hospital so that we get the fullest picture of life at MAH and we intend to start the process of gathering that evidence very soon and hearing that evidence in September.
19. Over the past few weeks, we have run a media campaign to encourage staff to come forward to the inquiry. The campaign has run on the radio, in newspaper advertisements, and on social media. Last week we held two remote engagement sessions to explain to members of staff about the work of the Inquiry and how we would go about taking witness statements from them.
20. I have also appointed an independent firm of solicitors called Napiers to provide free and independent advice to members of staff who may not wish to use the services of the Trust solicitors. Of course, not all potential witnesses will need legal advice but for those who do, that resource is now available to them. Napiers have been appointed by the Inquiry, but they will act independently of the inquiry and give free and independent advice to those people who may need to know more about their potential cooperation with the inquiry.

21. I have made it clear however, that the statement taking process for staff, as I have said previously, will be conducted by our own in-house team of solicitors or those of Cleaver Fulton Rankin which is the independent firm appointed to take inquiry statements. It is crucial in my view that for this type of evidence, there is an independence to the statement taking process, and that it is overseen by the Inquiry itself.
22. Although I have the statutory power, under the Inquiries Act 2005, to compel people to give evidence, it is generally far better for people to come forward voluntarily with all the assistance that the Inquiry can offer. So, I hope to have to use that power sparingly, but if I need to use it I will. I also want to remind all potential witnesses that I will consider carefully any application to remain anonymous and there are several measures we can take to protect a witness's identity if that is justified.
23. There is a form on the front page of our website for staff to fill in and we ask them to do that by the 31 March 2023. The fact that an individual has contacted the Inquiry in this way will be kept completely confidential and if anyone needs further advice, support or assistance please just pick up the telephone to the Inquiry team.
24. The Inquiry staff are here for anyone to speak to and Napiers are on hand to give legal advice if it is needed. If you are or have been a member of MAH staff, please do engage with the Inquiry now if you have not already done so, by filling in the engagement form on the website, or speaking to any member of the Inquiry staff here, or by picking up the telephone to us.
25. I am now going to hand over to Sean Doran KC for him to introduce us all to the evidence we will be hearing in this section of the Inquiry and what his plan is for calling that evidence.

Tom Kark KC