

CHAIR'S STATEMENT ON RECOMMENCEMENT OF HEARINGS

ISSUED ON 8 MAY 2024

1. Welcome back to everyone and thank you for your patience.
2. I want to say a few words about the programme for the Inquiry as we move to the final stages of the evidence. Obviously, we have had to change the timing of evidence as a result of the break we have just had, and I hope it will be helpful if I set out what the Inquiry is intending to do.
3. First in relation to this week and next.
4. One of the witnesses we expected to be able to call today has a personal, family related health issue justifying why she should not be called this week. Accordingly, I have asked her to attend next week when we hope she will be available. The effect of that is that we have one witness to be called today, Clare Byrne, and two statements to be read H471 and H137.
5. Another witness, H231, was expected to be able to give evidence orally tomorrow. I have received medical evidence which makes it clear that it would be inappropriate to call her to give evidence at any stage in the near future, she will therefore be read. Thus, two significant witnesses this week have effectively been lost.
6. I want to make it clear that I do not release witnesses from giving evidence on medical grounds without careful consideration and I will always ask to see appropriate medical evidence. Each case is dealt with on its own merits.
7. Instead of having a reading day tomorrow, Thursday, which would in any event be less than half a day, I have decided that we will not sit at all tomorrow and the statements to be read will be fitted into the evidence on a fuller sitting day next week. There is no point in everyone gathering for an hour or so of evidence if we can avoid it, which we can. But it does mean that this week is much shorter than the Panel would have liked.
8. On Monday of next week 13 May 2024, we will hear orally from A12, and H231 will be read. On Tuesday H284 and H73 will both be called to give oral evidence. On Wednesday of next week 15 May 2024, H260 will give oral evidence and the statements of Geraldine O'Hagan, H339 and H230 will be read.

9. I would like to say a few words about the statement of Geraldine O'Hagan, a family Liaison officer, who many in this room will have met and some may have worked with. Her statement has only recently been finalised and the Inquiry has processed it as quickly as possible for disclosure to CPs, but there are redaction issues arising in respect of the exhibits that will not be resolved until a later stage.
10. In normal circumstances, we would not serve a statement without its exhibits nor would we read a statement earlier than the protocol on the service of statements would normally allow. But, as anyone who reads her statement will understand, there are exceptional reasons to do so in her case. She is very keen to be able to hear her statement being read. We are making arrangements for her to be able to view the proceedings and to hear her statement being read which will take place next Wednesday as I have said.
11. Dealing with the rest of the programme up until the end of live evidence before the Inquiry.
12. We will not sit on Monday 20 May 2024 or Tuesday 21 May 2024, this short break is intended to give everyone the opportunity of reading the Ennis bundle of exhibits and statements as well as ensuring the service of the majority of the evidence in relation to Organisational Modules 1-5. The plan is that we will sit on Wednesday 22 May 2024 through to 30 May 2024 and we hope to deal with Modules 1 to 5, that is:
 - Module 1 Patient Advocacy and Representation;
 - Module 2 Professional Education;
 - Module 3 Professional Regulation;
 - Module 4 Police Role in Safeguarding and Responding to Allegations; and
 - Module 5 RQIA and MHC.
13. We then propose to revert to staff evidence from 3 June 2024 to 11 June 2024. I will say a bit more about the process of taking statements from staff in a few moments.
14. From 17 June 2024, we will turn to the Ennis module which is **Evidence** Module 6. That will take us to 20 June 2024. On 24 June 2024 we intend to hear **Organisational** Module 6 dealing with resettlement which will take us up to the Summer break.
15. We will start again on 9 September 2024 and sit until early November 2024, during which time we will hear the remaining evidence to include any remaining Module 1-6 evidence as well as:

- Module 7 MAH Operational Management;
 - Module 8 Professional Organisation and Oversight;
 - Module 9 Trust Board; and finally
 - Module 10 Department of Health.
16. During the recent pause, Cleaver Fulton Rankin solicitors have been working on the Inquiry's behalf taking witness statements from members of staff. That process has been slower than we would have liked but the Inquiry is grateful to the great majority of members of staff who have been asked and have been willing to give their statements voluntarily.
 17. I would like to explain why I have insisted on a process whereby Cleaver Fulton Rankin (CFR) take the statements from members of staff.
 18. What seems to be a long time ago now, I met with patient relatives and explained why it was necessary for them to make statements through independent solicitors rather than to their own solicitors, which is what the majority of them wanted to do. One of the reasons I then gave, was that unless I insisted on that then, it would be far harder to insist on that happening with members of staff. I made a public statement about that on 23 November 2022. There was some scepticism then that I would require the same process of the Trust staff when time came for them to make their statements. The other main reason given was that under the Memorandum of Understanding with PSNI and PPS it was important for the Inquiry to retain a degree of control over the statement taking process. That was so that I could ensure, as far as possible, that we kept to the assurances the Inquiry had given, not to do anything to undermine the criminal process.
 19. It is principally for those reasons that I have required all members of staff to make statements through CFR solicitors rather than to their own solicitors.
 20. I am sorry if that process has caused some frustration to some witnesses or to their solicitors. But it is in my view the right thing to require.
 21. In relation to Evidence Module 6, the Ennis Report module, I have again asked witnesses to make their statements through Cleaver Fulton Rankin. Prior to statements being taken in relation to the Ennis Report, a bundle was carefully compiled by Counsel to the Inquiry which comprised those documents which the Inquiry felt were most relevant to the issues the Inquiry had to deal with in relation to the Ennis report. There was nothing to prevent witnesses referring to other documentation as they thought necessary, but the Inquiry's approach was an attempt to avoid the duplication of material which other witnesses had already produced.
 22. Fortunately, all witnesses bar one, have complied with the Inquiry's request to make statements through Cleaver Fulton Rankin in relation to Evidence Module 6

and the Ennis report. One witness giving evidence on behalf of the Belfast Trust has unfortunately refused to do so.

23. Quite apart from the fact that was in contravention of my direction, one result has been an unnecessary duplication of materials which the Inquiry sought to avoid. When we serve that statement, we will explain more fully what has occurred and any consequences.
24. Dealing with other issues. The observant among you may have noticed that there have been some variations to my Restriction Orders. Restriction Order Number 4, the general staff restriction order, has been amended to allow for the position where solicitors, acting on behalf of the Inquiry, are required to put to a witness an allegation made by another member of staff. That has the effect that the true name of a member of staff, who has otherwise been ciphered, needs to be known for the witness to be able to respond appropriately to the allegation, thus the amendment was necessary.
25. There has also been an amendment to the order relating to the Ennis report and the evidence in Module 6 which is to come. There was originally a limited Restriction Order (Number 15) which has now been revoked and replaced by Restriction Order (Number 53) which deals holistically with all redactions to be made to the Ennis bundle and statements.
26. I hope that has been helpful in relation to keeping people informed both as to progress and to process.

Tom Kark KC

MAHI Chair