



## INFORMATION SHEET FOR WITNESSES

### INQUIRY HEARINGS - AUTUMN 2020 / SPRING 2021

#### Background

1. In autumn 2020 and continuing into 2021, the Inquiry will hear evidence from clinicians and others involved in the policies and practices of haemophilia centres across the UK. The Inquiry will also hear evidence relating to the Haemophilia Society, and the financial trusts and schemes established to provide assistance to individuals who were infected or affected through infected blood and infected blood products.
2. This document provides practical information for witnesses invited to provide oral evidence at Inquiry hearings during the period 22 September 2020 and 26 March 2021.
3. The Inquiry's priority is to ensure the health and safety of witnesses and individuals participating in Inquiry proceedings, particularly in light of restrictions arising from Covid-19.
4. The Inquiry Chair has said: *'The Inquiry's aim is that each witness is enabled to give the best evidence they can. Wherever possible I would like witnesses to give evidence in person. Witnesses will have use of a preparation area reserved for them. I recognise, however, that sometimes a witness will have to give evidence remotely (due to public health measures for coronavirus or existing health conditions) while I am in the hearing room. Where this has to happen, Inquiry Counsel and the technical team will do their best to make this process as straightforward as possible'*.

#### Options for providing oral evidence

5. The options for providing oral evidence to the Inquiry are as follows:
  - a. to give evidence in person attending the public hearing room at Fleetbank House in London;
  - b. to give evidence remotely from a location convenient to the witness; or
  - c. to give evidence remotely from the witness's home.
  
6. The Inquiry team is working on arrangements to allow public hearings to take place at Fleetbank House, in line with Government guidance and public health considerations. The intention is that in addition to the Inquiry Chair, Counsel to the Inquiry, the witness - with his or her legal team and personal supporters if they wish - and the essential technical team and recognised legal representatives of core participants, we will also be able to accommodate small numbers of pre-registered participants and journalists safely in the hearing room. The Inquiry team will ensure there is social distancing and enhanced cleaning throughout the proceedings and is confident that witnesses who give evidence in person will be able to do so safely.
  
7. Witnesses are encouraged to give evidence in person where possible. Given the prevailing circumstances of Covid-19 and the age of many of the witnesses, the Inquiry recognises that it is likely that a number of witnesses will need to give evidence remotely. A witness wishing to give evidence remotely should notify the Inquiry and explain why, so that such requests can be properly considered. Where the Chair agrees that the witness may give evidence remotely, the Inquiry will seek to make arrangements at a venue convenient to the witness (such as a local hotel). This will allow the Inquiry team to provide the necessary technical support and assistance with documentation referred to by counsel or by the witness and avoid intruding into the witness's home.
  
8. The Inquiry recognises that the age and health concerns of some witnesses may mean that they will only be able to give evidence remotely from their own home. In these circumstances the Inquiry will provide assistance including IT, technical support, and the provision of relevant documents, on a case by case basis.

9. Where a witness gives evidence remotely, it is anticipated that a member of the Inquiry team will be present, to ensure that matters proceed as smoothly as they can.

### **Support for witnesses**

10. The Chair has wide discretion to put in place measures to support witnesses in providing their best evidence to the Inquiry.
11. The Inquiry team will discuss arrangements with the witness and/or their legal representative in advance, including any particular issues arising from the witness's circumstances on a case by case basis (such as shorter hearing days, or more regular breaks).
12. The following measures are available to all witnesses giving oral evidence to the Inquiry:
  - a. All witnesses giving oral evidence will have the opportunity to have a meeting with Counsel to the Inquiry before they give their evidence.
  - b. It is possible for a friend or relative to sit with the witness as personal support (but in a non-speaking role), while the witness gives their oral evidence.
  - c. Regular breaks will be built into the hearing timetable, and all witnesses can request a break if they require it.
  - d. Confidential psychological support will be available at the hearings by the Inquiry's British Red Cross team for any witness who would like to speak to them. Telephone support can also be accessed on 0800 458 9473 and 0203 417 0280.

### ***Giving evidence at Fleetbank House***

13. The following measures are available to witnesses giving oral evidence at Fleetbank House:

- a. Witnesses will have the opportunity to visit the hearing room before they give their evidence.
- b. Witnesses will have use of a separate lounge and toilet reserved for people giving evidence that day, which is not accessible from the public areas of the building. The only people permitted to have access to the lounge will be the witnesses for that day and those they wish to join them, such as companions and legal representatives, and any member of inquiry staff who is to act as liaison, but then only on the occasions and only for so long as this is necessary.
- c. Tea and coffee will be available throughout the day, and sandwiches will be provided at lunch-time.
- d. Social distancing will be maintained in all Inquiry spaces.
- e. Those with mobility issues should be assured that these will not affect access. Secure parking is available by prior arrangement.
- f. The Inquiry will provide hearing loops to witnesses who are hearing impaired to use while they are giving evidence.
- g. The Inquiry team has a dedicated security team during the hearings.

### ***Giving evidence remotely***

14. The following measures are available to witnesses giving oral evidence remotely:

- a. The Inquiry will provide technological support and IT equipment where necessary, so that the witness can give their evidence remotely.
- b. The Inquiry will ensure that tests of the video link are done in advance of the witness giving evidence.
- c. Digital and/or hard copy documents to be raised with the witness during their evidence will be provided.
- d. The witness will have the opportunity to have a meeting with Counsel to the Inquiry before they give their evidence, just as in the case of a witness giving evidence at Fleetbank House, but the meeting will in this case be remote.

### **Importance of hearing oral evidence of witnesses**

15. The Inquiry is under a statutory duty to inquire into the matters set out in the Inquiry's Terms of Reference.
16. The Chair has powers under the Inquiries Act 2005 ('the Act') to require that a person attends at a particular time and place to give evidence to the Inquiry, by issuing a notice under section 21 of the Act.
17. Any person who receives a notice under section 21 of the Act may claim that he or she is unable to comply with the notice or that it is not reasonable in all the circumstances to require compliance with the notice. The Chair will determine the claim, and may decide to revoke or vary the notice (see section 21(4) of the Act).
18. In a small number of cases the Inquiry has accepted that a person with relevant evidence is not able to provide a written statement and/or oral evidence at an Inquiry hearing because of significant ill health which actually affects their ability to give evidence. However, for the Inquiry Chair to reach such a finding it requires a proper evidential basis such as a medical report from a treating clinician who is qualified to speak about the witness's health condition.
19. Ordinarily, the Inquiry will request information on the witness's current medical condition, the length of time that the witness has suffered from the condition, information on whether the witness might recover and in what timeframe, and the reason the medical condition prevents engagement with the Inquiry in the form of providing a statement and/or oral evidence at an Inquiry hearing (these two requiring separate consideration).
20. The Inquiry reserves the right to appoint a medical consultant to give a transparent and independent review of the constraints imposed by a witness's medical conditions in each individual case.

## **Public access to Inquiry proceedings and information**

21. Section 18 of the Inquiries Act 2005 requires the Chair to take such steps as he considers reasonable to enable members of the public and media to attend the Inquiry (or to see a simultaneous transmission of the Inquiry proceedings) and to obtain or view a record of evidence and documents given, produced or provided to the Inquiry.
  
22. Written statements of witnesses will be disclosed to Core Participants in advance of the witness giving oral evidence. Statements will be published on the Inquiry's website at the time, or shortly after, the witness gives oral evidence. The video of each hearing will also be published on the Inquiry website.
  
23. Anyone attending the Inquiry's proceedings in Fleetbank House, whether press or individual, will not be permitted to film or take pictures within the hearing room.

## **Additional information**

24. Evidence will be given under oath or affirmation.
  
25. In the vast majority of cases, witnesses will be asked questions by Counsel to the Inquiry and, on occasion, the Inquiry Chair. If the witness is represented, the Inquiry Chair may permit the witness's legal representative to ask some further questions at the conclusion of questioning by Counsel to the Inquiry. Further information is available in the Inquiry's Statement of Approach - questioning of witnesses.
  
26. Witnesses whose evidence continues over a break in the Inquiry's proceedings or overnight into the following day, will be given a warning by the Chair that they must not discuss their evidence with anyone, until their evidence to the Inquiry has concluded.

Issued by the Chair on 9 July 2020.