



# Guidance for Witnesses Attending an Impact Hearing

## 1. Purpose of the guidance

1.1 This guidance provides information about practical arrangements for Inquiry hearings. It also sets out the support that is available for witnesses who are asked to provide evidence to the Inquiry at oral hearings and provides information about the Inquiry's support for vulnerable witnesses.

1.2 This guidance should be read alongside the Inquiry's protocols, notices and orders, particularly its Privacy Notice, Restriction Orders and Public Access to Documents Protocols, all of which are published on the Inquiry's [website](#). Paper copies can be provided by the Inquiry on request.

## 2. Aim

2.1 The Inquiry aims to help witnesses give the best evidence they can.

2.2 The Inquiry has a dedicated Hearings and Witnesses support team, which can provide information about how hearings are conducted, and assist with any concerns or questions that a witness may have.

2.3 The Hearings and Witnesses support team can be contacted by email at [hearingsandwitnesses@scotland19inquiry.scot](mailto:hearingsandwitnesses@scotland19inquiry.scot), or by telephone on 0808 164 0222.

## 3. How will I know if I am required to give evidence?

3.1 After giving a statement to the Inquiry, witnesses will be informed by a member of the legal team if they are being asked to give evidence at the oral hearings. Witnesses will receive a notice in writing (a "citation"), which will advise them that they should attend to give evidence on a particular day. Witnesses will be given as much notice as possible of the date(s) when they need to attend to give evidence.

3.2 The witnesses for each hearing will be contacted in advance by a member of the Hearings and Witnesses support team to discuss any support or assistance they may require.

3.3 Hearings and Witness Support Officers from the Inquiry will be on hand to support all witnesses at the oral hearings. They will meet witnesses on arrival, answer any questions they might have and be on hand to assist them throughout their attendance at the hearing. They will be wearing orange lanyards so they will be easily identifiable.

### **4. The Inquiry hearing venue**

4.1 Our hearing venue is temporarily located at the Scottish Land Court, George House, 126 George Street, Edinburgh, EH2 2HH.

4.2 Ordinarily, Inquiry hearings will be broadcast on the [Inquiry's YouTube channel](#). Updates about hearings, including start and adjournment times, will be posted on the Inquiry social media channels.

### **5. Travelling to the Inquiry hearing venue**

5.1 The closest public transport stops for George Street include Waverley and Haymarket railway stations, Edinburgh Bus Station, the Airlink bus service to and from Edinburgh Airport, a range of Lothian Buses and First Bus stops and the Princes Street and West End tram stops.

5.2 There is no car parking available at the hearing venue. However, there is a limited number of pay-and-display parking spaces available on St Andrew's Square and Queen Street. Parking on George Street has been suspended for the festive period. A temporary suspension of parking is in place at Charlotte Square.

5.3 There is also multi-storey parking at Castle Terrace at the west end of Princes Street, which is approximately a 15-minute walk away. Parking charges apply. The Inquiry is not able to reserve parking for anyone attending the hearings.

5.4 Travel expenses may be available, please refer to the [Protocol for Witness Expenses](#). Where appropriate, the Hearings and Witnesses Team will book travel for witnesses in advance. They can also provide paper copies of the expenses form and help with applications.

## **6. Who will be present in the hearing room?**

6.1 The Chair of the Inquiry sits at the front of the hearing room. He listens to all the evidence and makes any necessary procedural decisions. He will take notes while evidence is being given and may also ask questions of witnesses.

6.2 Counsel to the Inquiry sits directly opposite the witness in the hearing room. They will call witnesses to give evidence and ask most of the questions of witnesses at hearings. Witnesses are not required to stand when giving evidence. Other Inquiry representatives, including additional counsel and members of the legal team, will be in the room to assist with the running of the hearing.

6.3 Core participants who are participating in the hearings and their legal representatives may also be present in the Inquiry hearing suite, in the main seating area. This is where we will also reserve a seat for the person you are bringing to the hearing to support you. Seats must be reserved in advance.

6.4 The Inquiry has facilities to allow members of the public to attend hearings in person, however space in the hearing room is limited. The Inquiry offers dedicated space for core participant group members, members of the public and media, where they will be able to watch a broadcast of proceedings on the [Inquiry's YouTube channel](#). These spaces are located at Regus, 93 George Street, which is located a short walk from George House. There is a requirement to reserve a seat in this space in advance.

6.5 Please note, public access to hearings, both in-person and via the broadcast (including access for the media), may not be permitted where the evidence being given is subject to a [Restriction Order](#). In such cases the Chair will determine who can be present in the hearing room.

## **7. What happens at an oral hearing?**

7.1 The Inquiry's Hearings and Witnesses Team will offer assistance to all witnesses at hearings. A member of the team will meet witnesses when they arrive and explain the procedures to them. Witnesses will wait in the witness room until they give evidence.

7.2 Once the Chair and Inquiry Counsel are in place in the hearing room, a Hearings and Witness Support Officer will accompany each witness to the witness seat in the hearing room, from which they will give their evidence.

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7.3 Ordinarily, proceedings will begin at around 10am and should conclude no later than 4.45pm. There will be a lunch break of 45 minutes around 1pm. Morning and afternoon breaks will be taken at convenient times. Most witnesses are likely to give evidence for around an hour.

7.4 The general position is that questioning of witnesses will be conducted by Counsel to the Inquiry or by the Chair unless the Chair decides otherwise. If a witness is not clear on what is being asked, they can ask for the question to be repeated or clarified.

7.5 The Chair expects witnesses to be treated with respect by everyone present.

7.6 Everyone in the hearing room is expected to sit quietly when a hearing is taking place.

7.7 Documents referred to during hearings will normally be displayed in the hearing room in electronic form. The Inquiry's document display technology allows documents to be viewed on screens in the hearing room. The witness desk will have an individual document displayer on it and any documents the witness needs to look at will be presented to them in digital form on this screen.

7.8 The hearings must proceed without disruption or interruptions. Anyone attempting to disrupt the hearings will be removed from the venue by a member of Inquiry staff.

7.9 No filming, recording or photography is permitted in the building without the Chair's advance permission. Mobile phones must be switched off or turned to silent in the hearing room. Where hearings are held in private or subject to a Restriction Order, we request that participants do not discuss proceedings on social media, including on X (formerly known as Twitter).

7.10 Please do not leave any personal belongings, electronic devices, papers or documents unattended anywhere in the hearing venue. The Inquiry cannot guarantee the security of any items.

7.11 Except for water, eating and drinking is prohibited in the hearing room. Water will be provided at the witness desk for those giving evidence.

7.12 Smoking and vaping inside the hearing building are prohibited.

## **8. Support for witnesses**

8.1 The Chair has discretion to put measures in place to support witnesses in providing their best evidence to the Inquiry. This may include making arrangements to ensure that those who are vulnerable or have additional needs are able to give their evidence in the least distressing and most effective way.

8.2 The Inquiry team will discuss arrangements on a case-by-case basis with the witness and/or their legal representative in advance, including any particular needs arising from the witness's circumstances. The Inquiry team will continue to monitor the need for support throughout the period during which the witness is giving evidence. It would be helpful if any requests for support were brought to the attention of the Inquiry team as early as possible. A [CRUSE Scotland](#) bereavement counsellor will also be available onsite.

8.3 The following measures may be available for witnesses giving oral evidence to the Inquiry:

8.3.1 Witnesses giving oral evidence will be offered the opportunity to meet Counsel to the Inquiry before they give their evidence, where it is feasible to do so. If there is to be a meeting, it might take place remotely.

8.3.2 To familiarise themselves with the environment, witnesses will have the opportunity to visit the hearing room before they give their evidence (subject to any public health or building restrictions in place at the time).

8.3.3 Witnesses will have use of a separate witness room for people giving evidence that day. The only people permitted to have access to the witness room will be the witnesses for that day and those they wish to join them, such as a companion or legal representative, and a member of Inquiry staff to provide support and communication with those in the room.

8.3.4 Tea, coffee and water will be available in the witness room throughout the day. No food will be available at the hearing venue. A variety of restaurants, cafes and takeaways are located nearby.

8.3.5 If a witness has any accessibility needs, they should advise the Hearings and Witnesses Team of these in advance to allow reasonable adjustments to be made to facilitate their access to the Inquiry.

8.3.6 The Inquiry can provide a hearing loop for witnesses who are hearing impaired to use while they are giving evidence.

8.3.7 Regular breaks will be scheduled into the hearing timetable and all witnesses can request a break if they require one.

## **9. Vulnerable witnesses**

9.1 Witnesses (or anyone who is representing a witness) who consider themselves to be vulnerable can request additional support, such as giving evidence by videoconference or by means of some other appropriate arrangement to accommodate their needs. Requests should be made to the Hearings and Witnesses Team as early as possible and will be considered by the Chair.

9.2 Witnesses should include the following information with their request:

- details of the vulnerability;
- how the vulnerability may impact their ability to give evidence;
- whether there are any special measures that may assist the individual to give evidence; and
- any other relevant information.

9.3 All witnesses under the age of 18 who are giving evidence will be treated as vulnerable witnesses.

9.4 Wherever possible, the Chair would like witnesses to give evidence at a hearing in person. Where this may cause difficulties or concerns, the Inquiry team will discuss with individual witnesses other ways in which evidence may be given.

9.5 Where appropriate, the Chair may decide that additional measures should be taken to assist a witness in participating effectively in that role or to improve the quality of their evidence.

9.6 Before making any decision, the Chair shall, where possible, take into consideration the views of the witness on the appropriateness and nature of any additional measures.

9.7 Such additional measures may include, but are not limited to, any one or more of the following:

- the appointment of an interpreter;
- provision of evidence via videoconference from a location outside the Inquiry hearing room in Edinburgh, and with appropriate support with staff from the Inquiry team;
- the support of a Hearings and Witness Support Officer, a friend or relative (sitting with the witness as they give evidence). Any such person shall play no part in the witness giving evidence unless directed to do so by the Chair;
- additional breaks at prescribed times; and

- time limits for questioning a witness.

Any changes in a witness' vulnerabilities or needs should be communicated to the Hearings and Witness support team as soon as they are discovered.

## **10. Restriction orders**

10.1 Section 19 of the Inquiries Act 2005 provides that the Chair may impose restrictions on either attendance at a hearing of the Inquiry or disclosure or publication of any evidence or document given to the Inquiry. These orders, known as "Restriction Orders", may be made by the Chair either at his own instance or on application by an interested party. For further information about restriction orders, please see the Protocol on Applications for Restriction Orders and the Protocol on Public Access to Documents on the Inquiry [website](#). Legal representatives will be able to explain which Restriction Orders apply and the effect that Order has.

10.2 Any applications for anonymity should be made separately to the Chair, in accordance with the Inquiry's [Protocol on Applications for Restriction Orders](#) and Section 19 of the Inquiries Act 2005.

10.3 If a Restriction Order is breached during a hearing, proceedings will be paused while the legal team confirms the details of the breach and arranges for appropriate action to be taken. Normally, this will be completed within a couple of minutes. This should not be a cause for concern for witnesses. While the breach is being addressed, the witness will usually remain in the hearing room and Hearings and Witness Support Officers will be on hand to answer any questions the witness may have.

10.4 Should the process of managing a breach take longer than expected, the Chair may call for a short adjournment. In this case, the witness will be accompanied back to the Witness Room by their Hearings and Witness Support Officer. Once proceedings are ready to recommence, the witness will be asked to return to the hearing room to continue with their evidence.

## **11. Expenses for attending a hearing**

11.1 Witnesses and other eligible persons may be able to claim expenses for travel and food, and compensation for loss of earnings for coming to the hearings.

11.2 However, the Chair must decide all applications within the limits of the law set down by Scottish Ministers. This may mean that an application for expenses is not granted.

11.3 For more information on eligibility, what can be claimed and how to apply, see the Inquiry's [Protocol on Witness Expenses](#). Our Hearings and Witnesses Team can assist with any questions and help the witness apply.

## **12. Further information**

12.1 If you have questions about any of the above, or wish to discuss support available to individuals who give evidence to the Inquiry, please contact the Hearings and Witnesses Team by email at [hearingsandwitnesses@covid19inquiry.scot](mailto:hearingsandwitnesses@covid19inquiry.scot) or by telephone on 0808 164 0222.

12.2 This is the third version of this guidance, issued 04 December 2023.