

# **Quick Guide to Public Inquiries**

## **What is a Public Inquiry?**

A Public Inquiry is a way for Government to openly and transparently investigate a matter of public concern. The Minister of Health, Robin Swann, MLA intends to establish a Public Inquiry, in line with the legislation set out in the Inquiries Act 2005 to investigate allegations of abuse of patients at Muckamore Abbey Hospital (MAH). A Public Inquiry can only be set up under the Inquiries Act 2005 by a Government Minister; however, once established, it is independent of the Government.

Public Inquiries examine issues of serious public concern. The Inquiry Chair will look at decisions and events that led or contributed to the issues being investigated. A Public Inquiry typically answers at least the following questions:

- What happened?
- Who is responsible?
- What can we learn from this?

The criminal investigation led by the PSNI into the allegations of abuse of patients will continue and be unaffected by the Public Inquiry. The Public Inquiry cannot make any findings of guilt; its role is to provide facts and recommendations to Government and other authorities, if appropriate.

## **How a Public Inquiry operates**

The Inquiries Act 2005 sets down how a public inquiry is run. It covers:

- The setting up of inquiries;
- The appointment of people to run them;
- Their procedures and powers, and
- The submission and publication of inquiry reports.

A Public Inquiry can look and feel like a court case as it can involve a judge, legal representatives, witnesses and evidence. Minister Swann will wish to ensure that whilst the Public Inquiry conforms to the Inquiries Act it will be accessible to all those who wish to be involved. The Public Inquiry will serve the wider public interest by seeking to find out what happened and to make recommendations to prevent it from happening again.

If a witness is called to give evidence at a Public Inquiry, or produce documents for it, they must do so, as it is a criminal offence not to. Public Inquiries are also usually held in open view to the public, unless there is a good reason for the Chair to ask for it not to

be. A Public Inquiry may produce a written report with their findings and recommendations if this is set out in its terms of reference; this must be made public.

### **Appointment of a Chair**

Under the terms of the Act, appointments are solely at the discretion of the responsible Minister. The Chair may be from a judicial background, like a judge or barrister, or they may be an expert in the field of the Inquiry.

Judges are:

- Politically independent;
- Experienced at running hearings;
- Able to analyse information and uncover facts;
- Legally experienced in instances when an inquiry is running at the same time as criminal proceedings (as is the case with the MAH Public Inquiry), and
- Able to understand legal and procedural complexity.

An expert Chair is able to:

- Incorporate specialist knowledge and expertise within the role of the Chair, such as an understanding of the particular issues of relevance to the inquiry, or experience of policy making, and
- Potentially develop detailed implementation plans for the Inquiry's recommendations.

Whoever is chosen as Chair they will be supported by a dedicated team.

### **Terms of Reference**

The Terms of Reference (ToR) will set out the purpose and scope of the Inquiry. The Inquiry will have to stick to the ToR through all their work. The ToR is decided by the relevant Minister in consultation with the Chair. The ToR will be carefully worded to ensure that all matters that should be investigated are investigated. If the Inquiry is to make recommendations this must be stated in the ToR.

In Northern Ireland the ToR should not include anything which would require the Inquiry to examine events occurring prior to 2 December 1999, or during any period when devolution is suspended, unless the consent of the Secretary of State is sought and confirmed. Devolution was suspended from 11 February 2000 until 30 May 2000, and again from 14 October 2002 until 8 May 2007.