

PUBLIC CONSULTATION ON THE APPROACH TO THE ADMINISTRATION OF EVIDENCE HEARINGS

I. Background

- I.1. The Undercover Policing Inquiry's Strategic Review, published on the 10 May 2018, set out a commitment to consult on its approach to the administration of evidence hearings. This consultation enables core participants and other interested parties to share their views with the Inquiry in advance of the Inquiry publishing its protocol for evidence hearings.
- I.2. Following the public consultation, the Inquiry will create a Hearings Protocol that will support the end-to-end process for the evidential hearings and what those engaging in the process can expect from the Inquiry.
- I.3. The Inquiry is committed to taking reasonable steps to enable members of the public (including the media) to attend open evidence hearings, or have access to a simultaneous transmission of proceedings. At present the Inquiry intends to hold its open proceedings at the Royal Courts of Justice with an overflow room (where there is a demand for it).
- I.4. The Inquiry is now seeking views from core participants (collectively, individually, or via their legal representatives where they are represented), the media, witnesses and other interested parties on the following five areas relating to the Inquiry's practical approach to the evidential hearing due to commence in 2019:
 1. The handling of evidential documents
 2. The giving of oral evidence
 3. Facilities and support for witnesses on the day they give evidence
 4. Facilities for attendees
 5. Live streaming and/or Inquiry-managed Internet Channel
- I.5. Responses should be received no later than 12.00 on Friday 28 September 2018.
The inquiry will receive response via email – info@ucpinquiry.org.uk and post
Undercover Policing Inquiry PO Box 71230, London NW1W 7QH
- I.6. The Inquiry will ordinarily publish responses alongside the final Hearings Protocol, unless consultees specify good reason for all or part of a response not being published.

2. Details

One – Handling of evidential documents post hearing

- 2.1. During open hearings it is expected that relevant pages of evidence will, where possible, be displayed on the screens within both the hearing and the overflow room. The Inquiry is now seeking views on the extent of material that should be published on the Inquiry website following open hearings. The Inquiry seeks views on the timing of publication and the extent of material that should be published, for example:.
- Following the conclusion of the open hearings on a particular tranche,
 - the Inquiry team publish the entire evidence bundle, regardless of the extent of reference to it during the hearing, or
 - the inquiry team publish the referred to pages during the evidence hearing it relates to on the website.

One

The Inquiry invites views on the how and when evidence should be posted on the inquiry website, as well as the timing their publication after the hearing.

Two – The giving of oral evidence

- 2.2. The Inquiry recognises that giving evidence can be regarded as daunting particularly when this is done in public, and many of those who will be required to give oral evidence (both state and non-state witnesses), may find it a stressful experience. As some witnesses may be required to give evidence about sensitive personal matters, it is acknowledged that special measures may need to be taken to enable best evidence to be given, for example limiting public access to the hearing room for parts of the evidence.
- 2.3. The Inquiry has already committed to considering applications for private hearings with restricted attendance, for example where sensitive evidence concerning non-state core participants is heard. We will consult on a case by case basis with witnesses on this.

Two

The Inquiry is seeking views on how best to facilitate witnesses giving their evidence.

Three – facilities for witnesses on the day they give evidence

- 2.4. The Inquiry will liaise with witnesses to provide a package of support to ensure that they understand the process, and what is expected of them in terms of attendance and when giving their evidence. The Inquiry recognises that the giving of evidence will need to be approached with sensitivity, given that some witnesses may never have been in a hearing room nor given evidence in a public forum before. The Inquiry also recognises that some people giving evidence may need additional support.
- 2.5. Options for the package the Inquiry could offer include:
- Court familiarisation visits
 - Services such as a counselling service before/during/immediately after the evidence hearing (this would need a time limit to the post event service)
 - A single point of contact in the Inquiry for the day the individual gives evidence
 - A private room for the witness to use, with any representative or support, immediately before and after the hearing
 - A pen picture of legal representatives in the court room and their roles for awareness/familiarisation
- 2.6. In addition, the Inquiry understands that personal security remains a concern for both those who will be providing evidence either in person or via a video-link.
- 2.7. Support can be made available to witnesses to assist them through the process. It is envisaged that arrangements for this can be agreed in advance of their specified evidential hearing dates and time slot. The Inquiry recognises that there may be a need for some personalisation of this support. The Inquiry will work closely with all witnesses (and their representatives) to ensure that they can provide their evidence in an environment and in way that they feel safe in doing so, but recognising that this is a public inquiry and all steps are taken to ensure that the evidence provided is available to all if restriction orders are not in place.

Three

The Inquiry invites views on the level of support that witnesses in the Inquiry would wish to receive when giving evidence, and methods by which this may be provided.

Four – facilities for attendees

- 2.8. Where there is a demand for it, an overflow room will be serviced by live-link transmission of proceedings (with a short time delay) where it can be viewed by interested members of the public and the media. The Inquiry is also investigating the provision of publically available WiFi in the hearing and overflow rooms. Within the Royal Courts of Justice there are a small number of publically available consultation rooms that can be booked directly for a small charge. <https://courtribunalfinder.service.gov.uk/courts/royal-courts-of-justice>

Four

The Inquiry is seeking views on the above proposals and whether or not providing a small number of rooms for use by attendees other than witnesses would be needed. It should be acknowledged that there will not be a separate room for all individuals, and only a small number of rooms will be available for reservation.

Five – Live-streaming and/or Inquiry-Managed Internet Channel

- 2.9. It is only right that the Inquiry hears the views of people who would have their evidence captured in this way before deciding whether live-streaming of evidence should be adopted. In any event, transcripts of public hearings will continue to be published to the Inquiry's website as soon as practicable after the close of the day of the hearing.
- 2.10. On the other hand live streaming has disadvantages. Once evidence has been live-streamed on the internet, it will be available, potentially in perpetuity (for example, where it has been recorded). In the event evidence there was a release of sensitive information, not picked prior to transmission, that information could remain available in the public domain.

Five

The Inquiry wants to hear views on live streaming from potential witnesses and those wishing to have access to the proceedings.

Thursday 30 August 2018