



## **Protocol on Public hearings**

### **Purpose of this Protocol**

1. This Protocol aims to:
  - A) Set out the Inquiry's approach to its hearings;
  - B) Explain the purpose of and approach the Inquiry intends to take to its preliminary hearing(s);
  - C) Explain the purpose of and approach the Inquiry intends to take to its opening statement hearing;
  - D) Set out the Inquiry's approach to the selection of witnesses to give oral evidence at evidential hearings;
  - E) Set out the Inquiry's plans for the way it intends to structure its evidential hearings;
  - F) Explain the Inquiry's approach to preparation for witnesses to give evidence at oral hearings, including witness lists and timetables, evidence proposals and evidential Notes by Counsel;
  - G) Set out how the Inquiry intends to deal with questions for witnesses at evidential hearings;
  - H) Indicate the Inquiry's broad approach to the publication of evidential material; and
  - I) Provide contact information for enquiries.
2. As with all of the work of the Inquiry, this Protocol and the procedures and policies set out in it should be read in the context of the Inquiry's [Statement on Protocols and Principles](#). In particular, the Chair may deem it appropriate to change or update the contents of this Protocol in accordance with the provisions of that Statement.

3. Further, this Protocol and the procedures and policies set out in it should be read in the context of the Inquiry's:

- (a) [Core Participant Protocol](#);
- (b) [Legal Expenses Protocol](#); and
- (c) [Protocol on Approach to Evidence and Written statements](#).

#### **A) The aims of public hearings**

4. For the purposes of the Inquiry's public hearings, the general approach to evidence adopted by the Inquiry articulated in paragraph 12 of the Inquiry's [Protocol on Approach to Evidence and Written Statements](#) should be borne in mind. That is to the effect that:

- (a) Evidence contained in documents, including in witness statements provided to the Inquiry will be deemed by the Inquiry to be evidence in the Inquiry which the Chair of the Inquiry can consider to make findings and recommendations in the fulfilment of the Inquiry's [Terms of Reference](#); and
- (b) Such evidence will be able to be relied upon without the need for it to be spoken to in oral evidence in hearings or otherwise adduced formally.

5. The public hearings of the Inquiry serve a number of important purposes, including:

- (a) In accordance with the Inquiry's obligations under section 18 of the Inquiries Act 2005 ("the Act"), to permit attendance by core participants, members of the public (including reporters) at the Inquiry and to see and hear a simultaneous transmission of the Inquiry's proceedings, subject to any restriction notice or order made under section 19 of the Act;
- (b) In particular, at non-evidential hearings, to allow the Inquiry team to account in public for the progress of its investigations and the discharge of its Terms of Reference and

to allow public submission by or on behalf of core participants by way of contribution to the efficient discharge of the Inquiry's Terms of Reference;

- (c) At evidential hearings, to enable evidence already gathered by the Inquiry, in the form of written statements or other documentary evidence to be ventilated in public, explored, examined and their contents clarified or supplemented by the oral evidence heard at hearings;
- (d) To challenge witnesses on the evidence already given by them to the Inquiry in the form of written statements or based on material contained in documentary evidence recovered by the Inquiry, ultimately to assist the Inquiry to make findings in its report(s), including (where appropriate) the identification of things which occurred falling within the ambit of the Inquiry's Terms of Reference and/ or which fell below a reasonable standard, why they did as well as who or what organisations were responsible<sup>1</sup>; and
- (e) To enable core participants via their legal representatives to submit questions for consideration by Counsel to the Inquiry and to make applications, if necessary, under rule 9 of the Inquiries (Scotland) Rules 2007 ("the Rules"), as set out at paragraphs 31 et seq below.

## **B) Preliminary hearing(s)**

6. The Inquiry intends to hold either one or, if it is deemed necessary, more than one preliminary hearing.

7. The purpose of the preliminary hearing(s) will be:

- (a) Generally to provide case management functions in connection with the work of the Inquiry, including but not limited to determining core participant applications, ventilating issues for the Inquiry's consideration, issues relating to discovery, disclosure, proposed witnesses (including provisions for anonymous witnesses), the instruction of experts and their reports, planning regarding the making of opening or

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<sup>1</sup> Terms of Reference, explanatory note (c)

closing statements<sup>2</sup>, hearings logistics etc, as appropriate at the point in time when the preliminary hearing is taking place;

- (b) To provide a public update on the progress of the Inquiry, including in relation to issuing of requests for evidence under rule 8 of the Rules and any orders for the recovery of documentary evidence and/ or written statements made under section 21 of the Act;
- (c) To set out publicly any difficulties which the Inquiry has experienced in making progress with its work and seek explanations as to why these difficulties are being experienced and ways to address them;
- (d) To deal with matters reasonably raised by core participants by way of written submission to the Inquiry by core participants, in response to an invitation to be issued to them to do so;
- (e) To hear from core participants (normally via their recognised legal representatives) on matters or applications to the Inquiry reasonably intimated to the Inquiry in their written submissions;
- (f) To determine any applications reasonably made to the Chair by core participants or by Counsel to the Inquiry; and
- (g) To set out publicly the intended next steps in the work of the Inquiry.

8. It is anticipated that the preliminary hearing(s) will be live streamed and that a transcript of the proceedings will be made available on the Inquiry's website to facilitate access to the work of the Inquiry in accordance with the Inquiry's obligations under section 18 of the Act.

9. The procedure which will be followed at the preliminary hearing(s) will normally involve:

- (a) A Note being sent to core participants by Counsel to the Inquiry around two weeks before the preliminary hearing date;

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<sup>2</sup> In accordance with rule 10 of the Rules

- (b) The opportunity for core participants to make written submissions to the Inquiry in connection with the preliminary hearing, arising from the matters to be addressed at the preliminary hearing, including any applications which they wish to make to the Chair at the preliminary hearing not later than seven days before the date of the preliminary hearing;
- (c) Counsel to the Inquiry may also need to prepare a Note on legal issues on which submissions from CPs are invited at the preliminary hearing and/or prepare a Note that summarises the submissions made by others. Any such Note will be circulated to core participants and published in advance of the preliminary hearing;
- (d) An Agenda will be circulated to core participants and will be published in advance of the preliminary hearing, as will practical information about the arrangements for the hearing, including remote attendance (where necessary);
- (e) Counsel to the Inquiry will address the Chair publicly on matters falling within the ambit of the preliminary hearing, as necessary;
- (f) Core participants will be offered the opportunity (normally via their recognised legal representatives) to make submissions in accordance with a time frame to be announced in advance of the preliminary hearing;
- (g) Counsel to the Inquiry will make any necessary further submissions on matters raised by core participants and/or applications made in accordance with the above procedure on behalf of core participants; and
- (h) The Chair will determine any applications made at the hearing, or defer determination of them, as necessary, to allow further consideration. In any event, notice of the Chair's determination will be published on the Inquiry's website.

### **C) Opening statement hearing**

10. The Inquiry intends to hold a public hearing to enable oral opening statements to be delivered to the Inquiry by Counsel to the Inquiry and by or on behalf of core participants.<sup>3</sup> It is intended that this will be held at a time which will be late enough to enable core participants and their legal representatives, where applicable, to

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<sup>3</sup> In accordance with rule 10 of the Rules

familiarise themselves with the work of the Inquiry and to make a meaningful contribution to it in an opening statement but early enough that the Inquiry will be able meaningfully to take account of the contents of core participant opening statements. Opening statements should be designed to assist with the work of the Inquiry in the efficient discharge of its Terms of Reference.

11. Further information about the location and timing of and format to be adopted at the opening statement hearing will be issued by the Inquiry to core participants in due course. It is likely that opening statements will be requested to be submitted in writing (for later publication on the Inquiry's website) and that an opportunity will be provided for oral opening statements to be delivered, in addition, at a public hearing for that purpose.
12. It is anticipated that opening statements will normally be delivered by the legal representatives of core participants or groups of core participants. The Chair of the Inquiry will consider whether to permit core participants who are unrepresented to deliver an opening statement (in writing and/ or orally) and what conditions, if any, to apply to such an opening statement<sup>4</sup>, and, more generally, what time will be made available to and what conditions should reasonably be imposed upon core participants or their legal representatives in presenting their opening statement to be delivered by them or on their behalf, in accordance with his responsibility for efficient management of the work of the Inquiry under the Act and Rules.<sup>5</sup>
13. It will not be mandatory for an opening statement to be delivered by or on behalf of a core participant or group of core participants.

#### **D) Selection of witnesses to give oral evidence at evidential hearings**

14. It will not be possible or necessary for the Inquiry to hear oral evidence from every witness who provides a written statement to the Inquiry or each former patient of Mr

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<sup>4</sup> As per rule 10(2) of the Rules

<sup>5</sup> As per rule 10(1) of the Rules

Eljamel. In accordance with the provisions of the Inquiry's [Protocol on Approach to Evidence and Written Statements](#) every applicant statement to the Independent Clinical Review (where consent has been given for it to be shared with the Inquiry) and every written statement provided directly to the Inquiry in response to a request for such a statement made under rule 8 of the Rules (whether by a former patient of Mr Eljamel or otherwise) will form part of the evidence to be considered by the Chair when making his findings and recommendations. That is the position whether or not the witness also gives oral evidence. Witnesses who are not called to give oral evidence should not think that their evidence is of less value to the Inquiry – it is not.

15. In deciding which witnesses to call to give oral evidence at an Inquiry hearing, the Inquiry's focus will be the extent to which the oral evidence of a potential oral witness will assist the Inquiry in fulfilling its Terms of Reference, in accordance with the purposes of evidential hearings, as set out at paragraph 5 above.
16. It is for the Chair to decide which witnesses to call to give oral evidence, on the basis of advice provided to him by Counsel to the Inquiry. Whether a witness is legally represented or not is irrelevant to that decision. Where potential witnesses in any given hearings section (full details of which will be released by the Inquiry in due course), are legally represented, the Inquiry will invite the legal representatives of witnesses whose testimony is relevant to that section to submit suggestions as to which of their clients or their clients' representatives in the case of corporate clients should be called to give oral evidence (together with, if the legal representatives wish, brief reasons for the suggestions). The same opportunity will be provided to legal representatives of core participants who have an interest in the evidence to be examined in a particular hearings section. Such legal representatives will be called upon to make such submissions at an appropriate time, as set out at paragraphs 23 et seq below. All such nominations will be considered by Counsel to the Inquiry and ultimately by the Chair when reaching his decisions in that regard.
17. In making its assessment, the Inquiry will have particular regard to:

- (a) The purposes of the evidential hearings of the Inquiry, as set out at paragraph 5 above;
- (b) The extent to which witnesses are able to provide evidence relating to areas of particular controversy, based on existing evidence, including where written evidence which might otherwise be expected to be available is unavailable, incomplete or otherwise unreliable;
- (c) The fact that the Inquiry's principal remit is to investigate systemic issues falling within its [Terms of Reference](#), whilst also being mindful of the need to conduct its work in a way which "will provide an opportunity for public acknowledgement of the suffering of former patients of Mr Eljamel and a forum for public consideration of evidence of their experiences".<sup>6</sup> The provisions set out in paragraphs 19 to 23 of the Inquiry's [Protocol on Approach to Evidence and Written Statements](#) relating to the circumstances in which written statements will be sought by the Inquiry from former patients of Mr Eljamel apply equally to the Inquiry's decision-making around whom to call to provide oral evidence to the Inquiry;
- (d) The possibility that bodies of uncontroversial evidence held by the Inquiry may be publicly ventilated or introduced by Counsel speaking to evidential Notes by Counsel (which will be published in due course) which seek to summarise such evidence received by the Inquiry<sup>7</sup>;
- (e) The fact that former patients or other witnesses may find the experience of giving oral evidence to the Inquiry particularly traumatic;
- (f) Reasonable requirements for anonymity and confidentiality; and
- (g) The desirability of hearing oral evidence which covers (i) the wide time period with which the Inquiry is concerned and (ii) the full range of areas in which concern has been raised about sub-standard clinical practice and inadequate systemic regulation of it in the treatment or care of Mr Eljamel's former patients.

## **E) Plans for the structure of the Inquiry's evidential hearings**

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<sup>6</sup> Explanatory notes to the Inquiry's Terms of Reference, paragraph (d); see also paragraphs 16 and 17 of the Inquiry's [Protocol on Approach to Evidence and Written statements](#)

<sup>7</sup> See paragraphs 28 et seq below

18. The Chair of the Inquiry has a wide discretion as to how to direct the procedure and conduct of the Inquiry, in accordance with the provisions of section 17(1) of the Act. As presently advised, the Chair considers that the most efficient organisation of the evidential hearings will be to divide them into sections covering different chapters of evidence, having regard to the type of evidence which he considers should be heard in public hearings and the best order in which those should be held. Though not required to do so, the Chair of the Inquiry is keen to set out his planning and thinking behind it, as far as the organisation of the hearings is concerned, in the interests of clarity, consistent with the Inquiry's trauma-informed approach and to allow those with an interest in the work of the Inquiry (in particular those who are designated as core participants) to have a broad overview of the Inquiry's direction of travel and to allow those who will be involved in the work of the Inquiry (including, but not limited to core participants, potential witnesses and their legal representatives) to plan accordingly.
19. The Inquiry may require to alter the plan for its hearings, depending on various factors which will influence the progress of its work. Flexibility necessarily requires to be built into the planning. However, the present broad plan will be to arrange gathering of evidence and the examination of it at evidential hearings sections in the following way:
- a) Section 1 of the hearings will be an introductory section at which it is intended that evidence will be heard relating to a number of areas which are designed to provide evidential context to the hearings sections to follow including (i) general background, structure and roles of the various key organisations, key people and key policies; (ii) evidence relating to ToR 1 (appointments), including evidence about the broad trajectory of the career of Mr Eljamel and statistical evidence about the nature and spread of his work, as well as the systems for complaints and areas in which complaints were made and when (ToRs 4 and 5); (iii) evidence relating to the systems underpinning Term of Reference 14 (document management systems within NHS Tayside); (iv) the broad ambit and findings of the investigations to be looked at under Term of Reference 12; and (v) independent expert evidence on rules and systems relating to key areas covered by the Terms

of Reference, in order to provide important context to the factual evidence to be heard and examined later in the Inquiry;

- b) In section 2, the Inquiry will hear evidence from a selection of patients and (if necessary) their representatives relating to (i) the key clinical themes of sub-standard practice in the treatment of Mr Eljamel's patients, including the impact of factors listed in ToR 2 and those with experience of the matters listed in ToRs 8 to 11 (ii) key aspects of the Terms of Reference relating to the patient experience of relevant systems including but not limited to complaints and feedback processes (ToRs 4 and 5), campaigning for a public Inquiry and the experience of other investigations (ToR 12) and lack of candour (ToRs 7 and 13) and (iii) issues with document management and access (ToR 14); and evidence from the Independent Clinical Review ("ICR") relating to key findings about sub-standard clinical practice on the part of Mr Eljamel or those working under his supervision from that process (ToRs 15 and 16);
- c) In section 3, the Inquiry will hear evidence from medical and possibly other professionals on a wide variety of aspects of the ToRs, with a focus on ToR 2 (matters affecting clinical outcomes), ToR 3 (systems of professional clinical governance) ToRs 7 and 13 (candour) and ToR 8 (clinical supervision). Evidence will also be addressed from the General Medical Council, relating to their involvement in relevant matters, with a focus on ToR 11;
- d) In section 4, the Inquiry will hear evidence from other organisations which could or should have had a role in the oversight in the interests of Mr Eljamel's patients on a wide variety of aspects of the ToRs, with a focus on ToR 6 (the role of these organisations);
- e) In section 5, the Inquiry will hear evidence from representatives of NHS Tayside and the Scottish Government on a wide variety of aspects of the ToRs, with a particular focus on ToR 3 (corporate clinical oversight), ToRs 4 and 5 (complaints etc), ToR 6 (insofar as it relates to the actions of Scottish Government) and ToR 12 (investigations). ToRs 8 to 11 (the period from 2013 to 2015) and ToR 13 (organisational candour) will also feature; and
- f) In section 6, the Inquiry will hear evidence relating to lessons which might be learned from the evidence which the Inquiry has heard as well as

recommendations which the Inquiry might make as part of its forward-facing function (ToR 18). It is anticipated that a variety of different types of witnesses will be called.

20. The Inquiry team will intimate to core participants and to the public via its website more details of the matters/ issues which it is intended will be covered at each of its hearings sections at an appropriate point in advance of the pre-hearings procedural steps being taken, as it set out in section F below.

## **F) Preparation for witnesses to give evidence at oral hearings**

### **a) Witness lists**

21. To enable witnesses to prepare for hearings at which they will be called to give oral evidence and to ensure availability, in the normal course, the Inquiry will write to the witnesses it provisionally intends to call approximately 10 weeks before the hearings section at which they will be so called.
22. Subsequent intimation will be made to any additional witnesses who are added to the witness list for the hearings section as a result of consideration of submissions made by witness' legal representatives or core participants on the section's witness list.
23. In the normal course, the Inquiry will provide core participants/ legal representatives of relevant witnesses with a draft witness list for a hearings section and a draft witness timetable indicating those witnesses whom it is intended to call in that hearings section 8 weeks before the hearings section. Those recipients of those drafts will usually be given a week to provide observations and/ or suggested additions.
24. In the normal course, no later than four weeks before the hearings section is due to commence, the Inquiry will confirm the witness timetable for the hearings section. The Inquiry team will make arrangements as necessary with witnesses and/ or their legal representatives for the attendance of anonymous witnesses and others for whom particular accessibility arrangements are necessary, including, but not limited to, the possibility of a witness giving evidence by video link or other necessary adjustments to facilitate attendance at the hearing centre.

b) Evidence proposals

25. In the normal course, four weeks before a witness is due to give evidence at an oral hearing of the Inquiry, the Inquiry will provide the witness and core participants' legal representatives with an evidence proposal containing (a) broad areas of questioning which the Inquiry intends to cover with the witness and (b) a list of documentary or other physical evidence which it may wish to put to the witness in his or her oral evidence. The intention of such a proposal is that the witness will be able to familiarise (or re-familiarise) him or herself with this material in order to improve the quality of oral evidence which he or she is able to provide orally to the Inquiry. It will also provide a broad indication of the areas and materials which Counsel to the Inquiry may cover with the witness to legal representatives of core participants, in order to assist them in making suggestions as to what issues or matters should be covered with the witness.
26. In the normal course, the legal representatives of the witness and core participants will be given one week to suggest additions or alterations to the draft evidence proposal. A final evidence proposal will then be compiled by the Inquiry team, taking account of those suggestions. The final version of the evidence proposal will normally be provided to the witness or his/ her legal representatives, as well as core participants' legal representatives 14 days before the witness is due to give evidence to the Inquiry.
27. Counsel to the Inquiry will ultimately decide what questions they wish to put to witnesses. The areas listed in evidence proposals should not be taken to be a final list of areas which will be covered with any witness but are intended to act as a guide in the interests of the witness providing the best evidence he or she can to the Inquiry. In particular, additional questions may be incorporated into the planning for the hearing by Counsel after having considered proposed lines of questioning submitted in accordance with the process set out at paragraphs 31 *et seq* below. If the inclusion of questions as a result of this process will result in entirely and materially new areas of questioning being included in Counsel's plans for the hearing, reasonable notice will be provided to the witness or his/ her legal representatives.

c) Evidential Notes by Counsel

28. If the evidence received by the Inquiry merits it and in the interests of the public disclosure, it may be deemed necessary by the Inquiry team for aspects of the evidence to be set out in an evidential Note by Counsel.
29. The intended purpose of any such Note by Counsel would be to set out what appears to the Inquiry to be largely uncontroversial but significant evidence relating to matters which will be ventilated at public evidential hearings. It is likely that any such Note will be spoken to by Counsel at the relevant hearing, with time being allocated in the hearings timetable to enable the material to be so presented. The presentation of material in such a Note by Counsel should not be taken to indicate that the Inquiry has reached a view on any matter referred to in any such Note, merely that (in the interests of fairness, publication and economy, to which the Inquiry requires to have regard under sections 17 and 18 of the 2005 Act) that Inquiry Counsel have taken the provisional view that the presentation of the recovered evidence would be best handled by that route.
30. Any such Notes by Counsel will be disclosed to core participants in advance of the hearing to which they are relevant at an appropriate time and will be published on the Inquiry's website.

**G) Questioning of witnesses at oral hearings**

31. For the reasons outlined below, the Inquiry expects that the vast majority of the questioning will be undertaken by Counsel to the Inquiry.
32. Rule 9(1) of the Rules provides that where a witness is giving oral evidence at an Inquiry hearing, only Counsel to the Inquiry and the Chair may ask questions of the witness as of right. This basic rule reflects the inquisitorial nature of a public inquiry. An inquiry is not a trial or proof. The role of the Chair is not to decide between or amongst rival cases. It also promotes consistency in the way in which witnesses are questioned.
33. Rules 9(2) to (5) of the Inquiry Rules empower the Chair to permit the questioning of witnesses by others only in certain defined circumstances namely:

- (a) Under rule 9(2) the Chair can allow the recognised legal representative of a witness to ask the witness questions, once the witness has been questioned by Counsel to the Inquiry.
- (b) Under rule 9(3) where a witness has been questioned by Counsel to the Inquiry and their evidence directly relates to the evidence of another witness, the recognised legal representative of the witness to whom the evidence relates may apply to the Chair for permission to question the witness.
- (c) Under rule 9(4) the recognised legal representative of a core participant may apply to the Chair for permission to ask questions of a witness giving oral evidence.
- (d) An application under rule 9(3) or 9(4) must state the issues or matters to which the proposed questioning relates; whether the questioning raises new issues; or if not, why the questioning should be permitted.<sup>8</sup>

34. In general, the Chair expects that the process set out below will be followed:

- (a) The recognised legal representatives of core participants and the legal representatives of the witness should inform Counsel to the Inquiry of the matters or issues that they consider a particular witness should be asked about, in advance of that witness being called to give oral evidence. Recognised legal representatives are asked to provide their suggestions by email to Counsel to the Inquiry no later than seven days before the witness gives evidence. This process will be in addition to the ability of legal representatives of the witness and/or core participants to make suggestions as to the general areas which should be addressed as part of the evidence proposal process outlined at paragraph 25 et seq above and aims to allow more specific issues, matters or questions to be suggested.
- (b) In considering questions which they may wish to propose for Counsel to the Inquiry's consideration, those proposing questions may wish to bear in mind:

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<sup>8</sup> Rule 9(5) of the Rules

- The general approach to evidence adopted by the Inquiry articulated in the [Protocol on Approach to Evidence and Written Statements](#) and referred to at paragraphs 4 and 5 above;
  - That any clinical or other witnesses such as treating medical witnesses, civil servants or former ministers from whom the Inquiry will hear oral evidence will not be giving evidence as expert witnesses but as witnesses of fact, unlike independent expert witnesses instructed by the Inquiry or by the ICR expert neurosurgeons, whose evidence will have been obtained in accordance with the procedure set out in the [Memorandum of Understanding](#) between the Inquiry and the ICR and will be evidence in the Inquiry; and
  - That the fact that an assertion or expression of view from a witness (whether a witness of fact or an expert witness) is not formally challenged during the witness's oral evidence does not mean that the Chair will be obliged to accept their evidence. Such evidence will be weighed against other evidence available to the Chair for consideration in making his findings.
- (c) Counsel to the Inquiry will, having regard to any suggestions received from core participants, ask such questions as they consider appropriate, including any questions which they deem appropriate which have been submitted in accordance with subparagraphs (a) and (b) above.
- (d) Following the questioning of a witness, the witness will withdraw and there will be a short break, during which the recognised legal representatives of the witness and/ or core participants should raise with Counsel to the Inquiry any matter or issue they think has not sufficiently been covered, and Counsel to the Inquiry will decide whether to ask further questions.
- (e) In the event that the recognised legal representatives for the witness and/or core participants wish to make an application for permission to pose question(s) to the witness, they may raise the issue in open hearing at that stage and the Chair will decide whether to permit their questioning. It will be material to his decision whether the point or points to which the issue relates has been raised with Counsel to the Inquiry

during the short break, and if Counsel to the Inquiry has declined to raise it what their reasons are for not doing so.

- (f) The Chair is only likely to permit such questioning if he considers that the matter or issue to which the questioning relates has indeed not been raised and is worth raising or has not been sufficiently addressed by Counsel to the Inquiry's questions.
- (g) If the Chair permits questioning by the recognised legal representative of the witness and/or a core participant he is likely (in the interests of good inquiry management) to limit the time he will allow for it. Questioning will be limited in any event to the point or points for which permission has been granted.
- (h) If the Chair allows one recognised legal representative to ask questions, it does not follow that he will allow each and every recognised legal representative to do so. Thus, for example, where two or three recognised legal representatives for core participants consider that an issue has not been sufficiently addressed, it is possible that the Chair may give permission only for one of them to ask a question or questions relating to that issue.
- (i) The Chair may ask or allow Counsel to the Inquiry to question the witness further if the witness's response(s) to the questions asked by the witness' legal representatives or the legal representatives of a core participant contain material on which further questioning would be helpful.

## **H) Publication of evidential material**

- 35. The Inquiry's approach to the publication of evidential material is set out in its [Protocol on Disclosure, Publication, Restriction and Anonymity](#) and its [General Restriction Order](#).
- 36. In the normal course, the proceedings of the Inquiry's public hearings will be live streamed via the Inquiry's website. The feed of the Inquiry's proceedings may require to be paused from time to time to prevent restricted evidence from being publicised in accordance with the Inquiry's obligations under sections 18 and 19 of the Act.
- 37. Transcripts of public hearings of the Inquiry will be published on the Inquiry's website as soon as it reasonably practicable after the end of the relevant public hearing taking place.

## **I) Enquiries**

38. All queries about any matter related to the content of this Protocol should be sent to the Solicitor to the Inquiry, as follows:

- i. By email to: [legal@eljamelinquiry.scot](mailto:legal@eljamelinquiry.scot)
- ii. By post to: The Eljamel Inquiry, Area 2J North, Victoria Quay, Edinburgh EH6 6QQ.

Issued under the authority of the Chair on 10 June 2025.