# OPUS 2 INTERNATIONAL

DGH Inquiry

PTR Hearing - Day 1

June 20, 2013

**Opus 2 International - Official Court Reporters** 

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1	Thursday, 20 June 2013	1	Appeal, a post which I continue to hold.		
2	(10.00 am)	2	I would like to say that I have had a long personal		
3	THE CHAIRMAN: Well, good morning, everyone. Can I start by	3	association with Gibraltar. I first came to know it		
4	saying, which I have to say, that no photographs will be	4	well in the 1950s, believe it or not, and I have kept in		
5	allowed of these proceedings that includes today	5	touch with developments here ever since.		
6	and all mobile phones obviously must be switched off.	6	So when in October of last year the Government of		
7	On a more positive note, for the benefit of members	7	Gibraltar asked me to chair this Inquiry, I had no		
8	of the press who are here, this is an entirely public	8	hesitation in agreeing to do so.		
9	Inquiry. You are free to report anything that is said	9	Can I introduce next Mr Dennis Figueras, who is		
10	here today, unless which is very unlikely I rule	10	sitting just in front of me here: he is the Secretary to		
11	to the contrary. I don't expect to have to do that.	11	the Inquiry, and he will be well known to many of you.		
12	So, subject only to that, please report anything you	12	I also have an experienced team of lawyers to assist		
13	wish which occurs today. The same will apply at future	13	me in conducting this Inquiry, and if I may, I will		
14	hearings of the Inquiry.	14	introduce now the more prominent members of that team.		
15	Well, having got that out of the way, ladies and	15	Leading counsel to the Inquiry is		
16	gentlemen, I can welcome you to the first hearing of the	16	Mr Robert Englehart Queen's Counsel of Blackstone		
17	Dr Giraldi Home Inquiry. This is only a preliminary	17	Chambers, Middle Temple in London: he is sitting to my		
18	hearing. The main hearing of the Inquiry is scheduled	18	extreme left; on the right, if you are looking from the		
19	to take place on 30 September of this year, and we plan	19	back. Mr Englehart is a senior and respected member of		
20	to hold another preliminary hearing which in effect will	20	the English Bar, who has for a number of years sat as		
21	be a continuation of this one on 23 July: next month, in	21	a deputy High Court judge in England.		
22	other words.	22	Mr Englehart is assisted by Mr Keith Azopardi		
23	In language which will be familiar to lawyers, these	23	Queen's Counsel who is sitting next to him in the front		
24	preliminary hearings, that's to say today and the next	24	row. He needs no introduction for he will be very well		
25	one on 23 July, will be concerned purely with case	25	known to all of you.		
	1		3		
1	management issues. That's to say dealing with	1	The solicitors to the Inquiry are TSN, that's Triay		
2	procedural and administrative matters and generally	2	Stagnetto Neish; a number of their lawyers are engaged		
3	setting the scene for the main hearing, including	3	on this Inquiry. They include Ms Gabrielle O'Hagan,		
4	finalising the list of issues to be investigated at this	4	Ms Cristina Linares and Mr Nick Bottino, and they are		
5	Inquiry at the main hearing.	5	all in court here today.		
6	Today's hearing will be essentially introductory in	6	A number of other lawyers are present here today,		
7	nature, and I don't expect to have to make any final	7	appearing for various individuals or organisations who		
8	rulings today. In a moment, I will describe briefly how	8	are interested in one way or another in the proceedings		
9	the Inquiry came into being and what its terms of	9	of the Inquiry, and in a moment I will ask them to		
10	reference are, if you have not already read them, and	10	introduce themselves and to say who they represent.		
11	I will also explain in general terms what matters we	11	In addition, Mr Maurice Valarino is here in person,		
12	will be considering at these preliminary hearings.	12	and I shall ask him in a moment what he would like to		
13	Before doing that, can I make some introductions and	13	say today.		
14	can I start by introducing myself: my name is	14	I should, however, introduce Ms Gillian Guzman		
15	Jonathan Parker and I am the Chairman of the Inquiry.	15	Queen's Counsel who appears for The Care Agency, leading		
16	I was appointed a High Court judge in England in 1991.	16	Mr Julian Santos. She is sitting on my right, on the		
17	Prior to that, I had practised at the Chancery Bar in	17	left as you look from the back of the room.		
18	England since 1962, becoming a Queen's Counsel in 1979.	18	The Care Agency is the agency which is currently		
19	In 2000, I became a Lord Justice of Appeal, which	19	responsible for the running of the Dr Giraldi Home in		
20	means, in other words, a judge of the English Court of	20	succession to the Social Services Agency, known as the		
21	Appeal. I retired from the English Court of Appeal in	21	SSA, and Ms Guzman will be also very well known to you.		
22	2007. Subsequently I was a member of the Tribunal which	22	Can I now ask the remaining counsel who are here to		
23	inquired into the conduct of the former Chief Justice of	23	introduce themselves and to say who they represent.		
24 25	Gibraltar.	24	Mr Vasquez, perhaps you would start.		
25	In 2010 I became a member of the Gibraltar Court of	25	MR VASQUEZ: Yes, I am Robert Vasquez QC and I presently		
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1	represent I say presently because there may be issues	1	A number of witness statements were filed on her		
2	in this regard as I understand from what I have read	2	behalf in those proceedings, including one by		
3	Sharon Berini, Melissa Hales, Sean Matto and	3	Ms Hernandez herself, in which various allegations were		
4	Richard Muscat. I am obliged, sir.	4	made of mismanagement, misconduct and malpractice in the		
5	THE CHAIRMAN: Who would like to go next?	5	Home, including abuse. Witness statements were also		
6	MR NAVAS: Good morning. Kenneth Navas, I appear for	6	filed on behalf of the SSA denying all those		
7	Mr Jonathan Teuma, Mrs Rose Robba and	7	allegations.		
8	Mrs Manolita Adamberry.	8	In the event, the proceedings in the Industrial		
9	THE CHAIRMAN: Thank you very much. Next one?	9	Tribunal never went to a full hearing, and in		
10	MR BORASTERO PORTER: Good morning, Francis Borastero Porter	10	consequence the allegations contained in the witness		
11	and I'm instructed by Nigel Bassadone and Jenny Garrett.	11	statements filed on behalf of Ms Hernandez were never		
12	THE CHAIRMAN: Thank you very much, Mr Borastero Porter.	12	investigated by the Industrial Tribunal.		
13	MR MILES: I appear for Gabriella Llambias and my name is	13	Over the ensuing years, as many of you will know,		
14	Chris Miles.	14	there were a number of calls made for a public inquiry		
15	THE CHAIRMAN: Thank you, Mr Miles.	15	into the allegations, and in consequence there were		
16	MR CONROY: Good morning. My name is Damian Conroy, senior	16	exchanges in the Gibraltar Parliament relating to that		
17	counsel, and I appear for Her Majesty's	17	matter.		
18	Attorney General.	18	The present Government of Gibraltar has decided to		
19	THE CHAIRMAN: Thank you very much.	19	hold a public inquiry into those allegations, and that		
20	MR MAHTANI: Good morning, Suresh Mahtani, I appear for	20	has led in due course to the setting up of this Inquiry		
21	Yvette Borastero, Angelica Williams and	21	and to my appointment as its Chairman.		
22	Michelle Garrett.	22	I can now turn, I think, very briefly to the		
23	THE CHAIRMAN: Thank you, Mr Mahtani.	23	Inquiry's terms of reference. You may have already seen		
24	MS WRIGHT: Christina Wright, holding brief for Mr Nick Cruz	24	them. They have been published, and they can be found		
25	on behalf of Ms Maria Gomez. 5	25	on the Inquiry's website. I won't attempt to dictate 7		
1	MR GOMEZ: Nicholas Gomez on behalf of Mr Charles Gomez and	1	the address of the website because I shall certainly get		
2	we appear on behalf of Kirushka Compson and	2	it wrong, but if you need to ask what it is, you can ask		
3	Mr Craig Farrell.	3	one of the representatives of TSN who will show you, or		
4	THE CHAIRMAN: Thank you very much. Anyone else who needs	4	Google it and you will find it.		
5	to introduce themselves?	5	The first paragraph of the terms of reference		
6	MS MORAN: Kathryn Moran, I represent Gayle Everest.	6	requires the Inquiry to inquire into two specific		
7	THE CHAIRMAN: Thank you very much.	7	matters. The first of those matters consists of the		
8	MR WATTS: My name is Ian Watts, holding brief for	8	allegations that I have just mentioned, that's to say		
9	Chris Finch who acts for Joanna Hernandez.	9	the allegations in the witness statements filed on		
10	THE CHAIRMAN: I gather that Mr Finch is unfortunately ill.	10	behalf of Ms Hernandez in connection with her claim of		
11	MR WATTS: Yes, my Lord, unfortunately he had a matter which	11	unfair dismissal.		
12	overlapped with today's hearing, so I am standing in in	12	The second matter to be inquired into is, and		
13	his place.	13	I quote:		
14	THE CHAIRMAN: Well, please pass on our good wishes to	14	"The conduct of the relevant authorities and		
15	Mr Finch for his speedy recovery.	15	agencies in response to or otherwise in relation to such		
16	Right. Then can I go on to say something about the	16	allegations."		
17	Inquiry itself. First of all, perhaps how it came into	17	I hope that that is self-explanatory. The second		
18	being.	18	paragraph of the terms of reference is very important.		
19	As many of you will already know from the press and	19	It reads as follows:		
20	the media, in 2006 Ms Joanna Hernandez, who was a former	20	"To inquire into such other matters relating to the		
21	manager at the home, brought proceedings in the	20	Dr Giraldi Home as the Chairman of the Inquiry shall, in		
22	Industrial Tribunal in Gibraltar claiming unfair	22	his absolute discretion, consider appropriate."		
23	dismissal by her former employer, the SSA. The SSA was	23	The effect of that paragraph, paragraph 2 of the		
24	at that stage responsible for the running of the	24	terms of reference, is to give me, as the Chairman of		
25	Dr Giraldi Home.	25	the Inquiry, power at my discretion to expand the		
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1	Inquiry's remit to include other matters relating to the
2	Dr Giraldi Home if I consider that it is appropriate to
3	do so. I'll come back to that in a moment.
4	Paragraphs 3 and 4 of the terms of reference require
5	the Inquiry to find the relevant facts and to report
6	them to the Government of Gibraltar.
7	Now, the witness statements mentioned in the first
8	paragraph of the terms of reference were made, all of
9	them were made as long ago as 2006. So the question
10	arises as to whether I should exercise my power under
11	paragraph 2 of the terms of reference so as to expand
12	those terms to include the period from 2006 to date.
13	I have taken the provisional view and I emphasise
14	
15	provisional that the terms of reference should be so
	expanded, but that is one of the matters to be
16	considered at these preliminary hearings. I'll return
17	to it in due course once I have heard what counsel may
18	wish to say about it. I certainly will not be making
19	any final ruling on that question today.
20	In order to set the scene for a consideration of
21	that question, namely whether the period to be
22	investigated should be expanded and extended from 2006
23	to date, in March of this year the Inquiry issued
24	a public notice inviting any individual or organisation
25	who wished to do so to place before it matters of
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1	potential relevance to its work. You may have seen the
1 2	potential relevance to its work. You may have seen the notice in the press. It explained in detail the nature
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1	Ms Spencer Ball and I don't know whether she will be
2	attending the Inquiry. But this may be a matter which
3	will have to be considered as a qualification to my
4	provisional view that the starting date for the
5	investigation should be 2002, that's the end of the
6	contract of Milbury Care Services Limited and the
7	beginning of the taking over of responsibility by the
8	SSA.
9	Now, there are, before I turn to the detailed agenda
10	for this hearing, two general points which I would like
11	to make. The first point is perhaps rather an obvious
12	one but it's also an extremely important one and must be
13	understood by everyone. This is an Inquiry; it is
14	not I repeat, not a criminal trial. No one will
15	be on trial here. My task is to find the relevant facts
16	and to report them to the Gibraltar Government. I hope
17	that it goes without saying that I approach that task
18	with a completely open mind. It is important that
19	I make that point, because it has been drawn to my
20	attention that in the last few days Ms Hernandez has
21	been accessing Gibraltar social media sites in order to
22	make highly critical and intemporate statements about
23	a number of individuals in relation to matters with
24	which this Inquiry is concerned. She's also publicly
25	suggested that the independence and integrity of this
	11

1 Inquiry has been compromised. I am not going to go into 2 further detail of what she said, you may well have read 3 what she said already. I would like to make it clear, 4 however, that that is, in my view, a very unfortunate 5 development, to put it no higher. It is extremely 6 important for the work of this Inquiry that intemporate 7 statements about matters which are within its remit 8 should not be made on social media. It doesn't assist 9 the Inquiry's work, and I very much hope that no further 10 such statements will be made. I'll say no more about it 11 today. I very much hope that I won't have cause to 12 return to it at any time in the future. 13 Then returning to the points that I was making, the 14 general points that I was making, before turning to the 15 detailed agenda: the second point I would like to make 16 is also perhaps a rather obvious one, it relates to the 17 procedure to be adopted at the main hearing of the 18 Inquiry. I am of course concerned to ensure that 19 whatever procedure is adopted, it will be fair to 20 everyone concerned, including in particular those 21 individuals, authorities or agencies whose conduct may 22 be or may have been the subject of criticism. 23 At the same time, I am sure everyone will understand 24

that I have to ensure that this Inquiry does not turn into what might be described as a free-for-all. Were 12

1	that to happen, the Inquiry would be liable to become	1
2	unmanageable, quite apart from becoming	2
3	disproportionately lengthy and expensive. So the	3
4	procedure adopted must inevitably incorporate an element	4
5	of control in order to prevent that happening.	5
б	The procedure to be followed at the main hearing is	6
7	another of the matters which will be considered at these	7
8	preliminary hearings, and in due course I will hear what	8
9	counsel and Mr Valarino, if he wishes to say anything	9
10	about it, would like to say. But again I do not intend	10
11	to make any ruling on procedure at this stage. The	11
12	position is that witness statements are to be provided	12
13	by, I think the deadline is 1 July, and it would be	13
14	premature to make any decision or ruling about procedure	14
15	until we have seen the witness statements which are due	15
16	to be provided by that date. So in other words, that's	16
17	a matter which will have to be dealt with on 23 July, if	17
18	submissions are going to be made about it.	18
19	In a moment I'll invite Mr Englehart to introduce	19
20	this topic, which is, I think, item 2 on the agenda, and	20
21	to indicate the general nature of the procedure which	21
22	I currently and I stress provisionally have in	22
23	mind, subject to hearing what counsel may wish to say	23
24	about it, and subject to seeing the further witness	24
25	statements which I have just referred to.	25
	13	
1	I do, however, stress once again, and it cannot be	1
2	more importantly stressed, that this Inquiry is not	2
3	a criminal trial, and that obvious fact will inevitably	3
4	be reflected in whatever procedure is eventually adopted	4
5	by the Inquiry.	5
б	So, Mr Englehart, with that introduction, could	б
7	I ask you to say something about what is currently and	7
8	provisionally intended?	8
9	MR ENGLEHART: I am much obliged. Sir, I thought it might	9
10	be useful for those affected by this Inquiry and their	10
11	legal representatives to know how inquiries of this sort	11
12	have been conducted in the United Kingdom recently, for	12
13	it will be my submission on how this Inquiry should	13
14	proceed that it should be firmly based on what has	14
15	generally been done in the United Kingdom in inquiries	15
16	of the present sort.	16
17	As the Chairman has said, whatever I may say is of	17
18	course subject to any submissions that counsel may make	18
19	today, and it is very much how we see the position	19
20	at present. I shall in due course be inviting	20
21	the Chairman to follow the sort of procedure that I have	21
22	in mind.	22
23	As the Chairman has stressed, the important point to	23
24	bear in mind at all stages of an Inquiry such as this is	24
25	that it is not a criminal or indeed a civil trial, and	25
	14	

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1	procedure which might be appropriate in the case of
2	a trial is not appropriate, or not necessarily
3	appropriate for an Inquiry.
4	It is certainly in the public interest that this
5	Inquiry should follow an efficient and expeditious
6	course, but again as the Chairman has stressed, it is
7	not the function of this Inquiry to punish or to
8	compensate individuals or organisations. As you, sir,
9	have pointed out, your terms of reference require you to
10	inquire into and to report. The overriding principle to
11	bear in mind is that, with an Inquiry such as this, it
12	is not intended to be an adversarial process.
13	Well, as has been publicised, this Inquiry has
14	established its own website, and onto this website will
15	be uploaded not only a considerable amount of underlying
16	documentation but also, in due course, witness
17	statements from witnesses whose evidence is to be taken
18	into account. All this information will be readily
19	accessible and open to all, and the materials on the
20	basis of which you, sir, will ultimately be writing your
21	report is intended to be and will be wholly transparent
22	and available for public examination on the website.
23	Now, even at this early stage, we can see that there
24	are a considerable number of potential witnesses.
25	However, it is not intended that everyone who provides
	15
1	a witness statement should inevitably be required to
2	attend in order to give oral evidence. It will not be
3	necessary for a witness to have given oral evidence for
4	a witness's evidence to be taken into account. Indeed,
5	it is anticipated that there will be quite a number of
6	witnesses from whom it will not be necessary to hear
7	oral evidence. The intention would be only to call as
8	witnesses those where some elaboration beyond what
9	appears in a witness statement might be thought to be
10	helpful.
11	Now, obviously those who are invited to give oral
12	evidence will be notified of that in advance, and
13	an intended timetable for the calling of witnesses will
14	be prepared, and we will have some clearer indication
15	about that, as the Chairman has mentioned, after July 1
16	has passed.
17	Now, against that background, turning to the
18	substantive hearing itself, I would propose to make
19	a short introductory opening. The purpose of this
20	opening would be merely to describe, in the most general
0.1	

terms, the subject matter of the Inquiry and the nature of the evidence which will be given. Again, I emphasise that it is not necessary or appropriate to have a full

- opening of the kind which might be suitable at a trial.
- Then after the opening, those witnesses who are to give  $$16\ensuremath{$

1	oral evidence should be called.	1	a Royal Commission on Tribunals of Inquiry chaired by		
2	In the first instance, questioning of a witness is	2			
3	conducted solely by counsel to the Inquiry. If there	3	Salmon Letters are commonly sent to any person abo		
4	are some particular questions which a representative of	4	whom the chairman of an Inquiry is minded to make		
5	some other person or organisation would like to have put	5	a significant criticism. The letter will summarise the		
6	to a witness, those questions should be put forward in	6	potential criticism and give the recipient		
7	writing to the solicitors to the Inquiry before the	7	an opportunity of answering it before the report is		
8	witness gives evidence, and counsel for the Inquiry will	8	finalised. So that is an added safeguard in the		
9	put any such questions, subject to counsel considering	9	interests of fairness to anyone who may be adversely		
10	that such questions are appropriate.	10	affected by a report.		
11	The purpose of the examination of witnesses at	11	Sir, that's a brief run through the proposed		
12	an Inquiry such as we have here is solely to elicit	12 13	procedure. Of course I emphasise that it is subject to		
13 14	information, and I should stress there is no question of	13 14	any submissions that you may hear today, sir, but I hope		
14 15	any case having to be put to a witness such as would be expected in a court. In keeping with the principle that	14 15	that it is of some use by way of an introduction in any		
15 16			event.		
10	this is not an adversarial process, there is not	16 17	THE CHAIRMAN: Thank you very much, Mr Englehart. Now,		
18	cross-examination by other parties.		I know that a number of counsel have raised questions of		
	At the conclusion of questioning by counsel to the Inquiry, the representative of the witness, if the	18 19	procedure, including you, Mr Vasquez, and I'll certainly		
19 20		20	hear anything that any counsel wants to say about that today. I stress today, because, as I have indicated, it		
20 21	witness is represented, may be asked if he or she would like to ask any questions by way of brief	20 21	won't be possible finally to determine matters of		
21	re-examination. In general, however, there is no	21	procedure until the next hearing, by which time we		
22	cross-examination such as one is familiar with in	22	should have the witness statements. So I am not		
23 24		23 24	encouraging lengthy submissions on this point today,		
24 25	a court by any other legal representative. Nevertheless, if there is some particular question which	24 25	because there will be a full opportunity for that on		
20	17	20	19		
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1	it is thought essential to ask a witness, permission to	1	23 July. But if anyone would like to say something		
2	ask a question or series of questions may be sought from	2	briefly about it, of course I will hear it.		
3	the Chairman, and a request for permission should be	3	Mr Vasquez, do you want to say anything about it		
4	accompanied by an explanation of why it is sought to ask	4	today?		
5	the question or questions, and any such additional	5	MR VASQUEZ: Very, very briefly, sir.		
6	questioning is likely to be subject to strict time	6	THE CHAIRMAN: Yes.		
7	limits. So much for the calling of oral evidence.	7	MR VASQUEZ: My main concern at the moment is actually the		
8	After the evidence from the witnesses who have given	8	timetabling, not so much because of counsel but because		
9	evidence orally has been concluded, it is suggested	9	it has been expressed to me by the persons who		
10	there should be time for the preparation of written	10	I represent, some of them to prepare a statement by		
11	submissions. When those have been filed, there should	11	1 July may be a little bit		
12	be a concluding day when counsel to the Inquiry may	12	THE CHAIRMAN: A little bit tight.		
13	summarise the issues on which, sir, you are to report.	13	MR VASQUEZ: tight. I have one who has already done it,		
14	There will also be an opportunity for any concluding	14	so it very much depends on the situation. I would hope		
15	oral observations which an advocate may wish to make.	15	that should that become an issue later on, and we are		
16	But, again, I anticipate that there is likely to be	16	going to try and meet the deadline, that I will write to		
17	a fairly strict timetable for the making of oral	17	the solicitors and see if we can get a little more time,		
18	submissions over and above what will already have been	18	but we are conscious that time is important for		
19	put in writing.	19	the Tribunal.		
20	Now, finally, I should make mention of one matter	20	In an application for funding, I have raised certain		
21	which is generally felt to be important in order to	21	issues which are in writing. I don't think that there		
22	preserve fairness to those likely to be affected by	22	is any point in my		
23	an Inquiry such as this. These are what is known	23	THE CHAIRMAN: No, I have read that, and I have seen it,		
24 25	colloquially as Salmon Letters. They are so called	24	Mr Vasquez.		
25	because of a recommendation made as long ago as 1966 on 18	25	MR VASQUEZ: I think they are more apprehensions rather than 20		
	τo		20		

1	applications at this stage, but it was initial thoughts	1	don't have copies of it, there are copies available in		
2	that I had, and I don't want to prolong matters today by	2	court if anybody needs one.		
3	going through them, and I think, and have heard	3	The third item on the agenda, which is where we have		
4	yourself, sir, and counsel, and I am aware that you are	4	now got to, relates to issues relating to representation		
5	all very conscious of the issues of fairness, and that	5	and funding. I am going to ask Mr Azopardi if he would		
6	is one of the main concerns that I have.	6	be good enough to introduce this item.		
7	So I do not think I want to prolong matters beyond	7	Yes, Mr Azopardi.		
8	what I have already said today, and I think we will just	8	MR AZOPARDI: Sir, many thanks for that. I intend to make		
9	see how it goes along.	9	just some very preliminary remarks on representation and		
10	THE CHAIRMAN: See how it goes.	10	funding. Section 11 of the Commissions of Inquiry Act,		
11	MR VASQUEZ: There is only one issue that I think you are	11	and I paraphrase, indicates that any person whose		
12	coming to, which is on the issue of representation, we	12	conduct is subject to inquiry or who is in any way		
13	will perhaps get some direction as to what might happen	13	implicated or concerned in the matter under inquiry is		
14	in relation to people who have similar situations.	14	entitled to be represented by counsel at the Inquiry.		
15	I don't know how my Lord	15	Of course, the distinction that we would make is that,		
16	THE CHAIRMAN: We will have to see how far we can deal with	16	while there might be a right to representation, it does		
17	that.	17	not necessarily mean that there is a right to funding		
18	MR VASQUEZ: I am obliged, sir.	18	throughout the terms of the Inquiry.		
19	THE CHAIRMAN: Thank you very much, Mr Vasquez. Anybody	19	But in any event, the Inquiry is conscious, and		
20	else like to say anything else about procedure?	20	the Chairman has made those remarks, of the need to		
21	MR MILES: Mr Chairman, of course this is the first Inquiry	21	balance the public interest and the interests of		
22	I have been involved in, and I would thank Mr Englehart	22	fairness to all the persons concerned or implicated in		
23	for outlining the procedure.	23	any way, and having regard to that, thought has been		
24	The difficulty that I have, and I represent	24	given to ensuring that there is an adequate framework so		
25	Mrs Gabriella Llambias, I don't appear to have received 21	25	that there is funding for representation for persons who 23		
1	any substantial allegations against her, that is	1	might be eligible.		
2	a witness statement of any nature against her, and of	2	There is a protocol that has been published and it's		
3	course the next step is preparing our witness statement,	3	on the Inquiry website, it has been given to a number of		
4	the difficulty I face is I don't see	4	people who have been written to. The protocol is		
5	THE CHAIRMAN: You are not quite sure what you are	5	intended to set out a criteria for eligibility, the		
6	answering.	6	principles on which the Inquiry will grant and consider		
7	MR MILES: Yes.	7	funding awards, the mechanics for applications, and the		
8	THE CHAIRMAN: Mr Miles, I think that's a very fair point	8	process for payment. We have endeavoured to ensure that		
9	you make, and you have already made it in writing, and	9	that process should be transparent and fair.		
10	I have seen your letter to that effect, and of course	10	The protocol, and now I'm just going to make some		
11	I will take that into account. I think we will wait	11	remarks on the protocol itself, even though it's		
12	until the witness statements are in, and if there is no	12	publicly available, but for the purposes of providing		
13	further involvement of your client and no further	13	information today. The protocol, as I say, is available		
14	allegations are made in relation to her, it may be that	14	on the website. It has been modelled on the protocol on		
15	we will decide there is no need for her to be party to	15	funding used in the Leveson Inquiry. The protocol sets		
16	the Inquiry any more. I can't rule on that today,	16	out, as I say, general framework that provides		
17	though, I will need to see what the witness statements	17	principles, mechanics and process. So it sets out that		
18	say. But obviously it's a matter which will be on the	18	a person attending the Inquiry may be eligible if they		
19	agenda on 23 July, and it may well be, or we may be able	19	are going to give evidence or produce documents, and if		
20	to deal with it prior to that date once we have seen	20	in the opinion of the Chairman there is a particular		
21	what the content of the witness statements is.	21	interest of that person in the proceedings or outcome of		
22	MR MILES: I am grateful.	22	the Inquiry. We have regard in the protocol to issues		
23	THE CHAIRMAN: Anyone else like to say anything about	23	of conduct or possible criticism or possible prejudice,		
24	procedure? Right. Thank you very much for that. Let's	24	and also, in the context of assessing a funding award,		
25	move on with the agenda. The agenda, by the way, if you	25	whether it is fair, necessary, reasonable or		
25					

2       Also important, and it has been mentioned in certain       2       has made clear, they are separate considerations but         3       Iteres, to have regard to the sixe of cost. The       3       they overlap in relation to funding. As MA capareli has         4       Inquiry has power under in exposed.       and maybe not       5       for tody, but for comment at the subsequent preliminary       5         5       be rained to the indurity of version.       be found on the indurity of version.       be found on the indurity of version.       be found on the indurity of version.         7       legal representation of certain particles. That is in the       7       sound a note of caruthon, if may, show the finding of the protocol, and in relation to the amount of any funding. I have to an adverse regard - among other         10       The periode provides rates for payment of counding       1       and in relation to the amount of any funding. I have to avoid any unnecessary costs to public fitters.         12       waverds statements, and its provides for mory on funding       1       The need to avoid any unnecessary cost to the Gibralar         13       witness statements, and its would be growthed for hory ops       1       1       The need to avoid any unnecessary cost to public finats?         14       per veck in paragraph 15. Even though it does that, the       1       1       The need to avoid any unnecessary cost to the Gibralar         15	1	proportionate.	1	funding are fairly intimately connected, as Mr Azopardi		
3       letters, no have regard to the issue of cost: The       3       they overlap in relation to funding. As Mr Azopardi has         4       Inguiry has power under the protocol - and maybe not       4       explained, limited funding at public express may be         6       hearing - to consider whether there should be common       6       be found on the Inguiry's website. I would, however,         7       legal representation of certain parties. That is in the       5       sound a not co caution. If Imay, about the funding of         9       abays ensuring finness of representation.       9       make a funding award under the terms of the protocol,         11       and solicitors. It also provides for caps on funding       11       have regard - have to have regard - namog other         12       awards up to a certain level for the provison of       12       things, to, and i quote from paragraph 1(a) of the         13       witness statements, and also provides for hourly caps       13       protocol.       funding. S         14       per veskit in paragraph 15. Even though it does that, the       14       The need to avoid any unnecessary cost to public         15       laudit this aview to ename that ever are not       1       too dissimilar to rates that would be granted on legal       18         16       is sufficient flexhilly for the Charman to fellow       10       too dissimilar to rates that would b						
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	25	26	25	28		

1	moment, I have decided to adopt a stage by stage	1	be investigated at the hearing.
2	approach to funding applications, hence the existing	2	Now, Mr Valarino, would you like to say anything
3	applications are all limited to the period up to 5 July.	3	about these issues? I think you have a point on one of
4	That is because I have to be careful not to saddle the	4	them.
5	Gibraltar Government and hence the Gibraltar taxpayer	5	MR VALARINO: Yes, I would.
б	with future obligations in relation to funding which	6	THE CHAIRMAN: Would you like to come more up to the front
7	subsequently turn out to have been inappropriate or	7	so I can hear?
8	unjustified. So at the moment we are adopting a stage	8	Mr Valarino, you can either say what you would like
9	by stage process until it becomes clear exactly how the	9	to say today, or we can deal with the whole matter on
10	main hearing will proceed, and who will be involved in	10	23 July, if you can be here then, but I am in your hands
11	it, and how they will be represented.	11	and we will do what you will find more convenient.
12	Now, if anybody would like to say anything about	12	MR VALARINO: If the chair agrees, I will go today.
13	representation/funding, of course I will hear you today.	13	There is four things I want to address you on, sir,
14	I hope it will be brief, because, as I hope I have	14	one is on the terms of reference of the Inquiry. I note
15	explained, this is not really a matter that we can deal	15	that on item 3 of the terms of reference you say that
16	with in any detail today, pending receipt of the witness	16	you have to report the facts to the Government.
17	statements. But if anybody would like to say anything,	17	THE CHAIRMAN: Find the relevant facts and report them, yes.
18	I will certainly hear them. Mr Vasquez, do you want to	18	MR VALARINO: My concern is, sir, that there seems to be no
19	say anything about that?	19	requirement of the Inquiry to make recommendations on
20	MR VASQUEZ: I don't think so at this stage, sir, thank you.	20	these findings to the Government and my representation
21	THE CHAIRMAN: Anybody else like to say anything about	21	at least to you, sir, using your powers under the
22	representation or funding? Right, thank you very much	22	Commissions Act to actually include recommendations in
23	for that. Then I think we can proceed speedily	23	your report.
24	perhaps I should at this stage make it clear for the	24	THE CHAIRMAN: Right. I can answer that very quickly,
25	benefit of the transcribers that I am not planning on	25	actually. You are right, the terms of reference do not
	29		31
1	having a break, because I hope it won't be necessary,	1	include making of recommendations, and that is not
2	and as we are proceeding quite expeditiously at the	2	a thing which I have been asked to do. It's not
3	moment, I think it won't be necessary but if you would	3	a matter that I have been asked to approach. I am bound
4	like a break you only have to say and of course you can	4	by the terms of reference as they stand. I am not in
5		-	by the terms of reference as they stand. I am not m
	have one.	5	
6			a position to make recommendation if I have not been
6 7	Right, well, item 4 is submissions, representations	5	
		5 6	a position to make recommendation if I have not been invited, as Chairman of this Inquiry, to do so. So
7	Right, well, item 4 is submissions, representations on the provisional list of issues and finalisation of	5 6 7	a position to make recommendation if I have not been invited, as Chairman of this Inquiry, to do so. So recommendations are out. All that I have been charged
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1 1 "Whether the staff at the Home were sufficiently available to the staff? Was the content of the code of 2 2 trained, organised and supervised and appraised". conduct included in the initial training of staff? And 3 3 I think that should be amended to include: indeed was it included in the ongoing training of staff? 4 4 THE CHAIRMAN: "If so, were copies readily available to "Were they actually security vetted? Were 5 background checks carried out?" 5 staff and did any such" -- sorry, I am just trying to 6 6 THE CHAIRMAN: Were reference checks carried out? draft -- "code form part of the training of staff", 7 7 something like that? MR VALARINO: Yes, and whether they were vetted for 8 criminality before appointment. 8 MR VALARINO: Yes. 9 THE CHAIRMAN: So if we did that, we would go: 9 THE CHAIRMAN: Yes, thank you very much, Mr Valarino. 10 "and (e), were reference checks carried out?" 10 Well, if I could just ask counsel: I'm not presently 11 11 MR VALARINO: Yes, "and, if so, to what extent and to what minded to alter the terms of issue 15, which I think is 12 12 depth?' fair enough as it stands. Mr Englehart, do you want to 13 THE CHAIRMAN: "And, if so, to what extent?" 13 say anything about that? 14 MR VALARINO: And what depth, sir. 14 MR ENGLEHART: Sir, I would respectfully agree. 15 THE CHAIRMAN: I am not altering this, I am simply making 15 A submission can in due course be made that any 16 16 punishment would be inappropriate of any sort, and that a note at the moment of what you are suggesting. Right. 17 17 would come within that issue as drafted. MR VALARINO: In respect of issue 15, I have some difficulty 18 18 with the word "inappropriate punishment". Sir, on --19 THE CHAIRMAN: Right. 19 THE CHAIRMAN: What about 4 and 21? 20 MR VALARINO: The residents of the Home are indeed adult and 20 MR ENGLEHART: Dealing with 21 while it's fresh in my mind, 21 21 I think it is inappropriate to punish adults in any care the last one, there would appear, although I appreciate 22 22 that drafting on one's feet is never a very satisfactory placement. I think that by having the word 23 23 "inappropriate" before the word "punishment" would imply process for anyone, but there would appear from the way 24 24 that punishment is acceptable in a care placement, and it was being dictated, to be a serious overlap with I am of the view, sir, that it could well mislead the 25 25 issue 4. 35 33 1 Inquiry into finding that there was punishment, and it 1 THE CHAIRMAN: Exactly, which already includes training. 2 was justifiable or inappropriate, of adults. I think 2 Yes, I agree with that. 3 that is ... 3 MR ENGLEHART: So I would respectfully suggest that the 4 4 THE CHAIRMAN: At the moment, as it stands, I would have to concerns needn't come within a revision of the issues. 5 5 consider whether any punishment is or is not THE CHAIRMAN: Right. What about adding a (e) in 4, were 6 6 inappropriate, so that I would be limiting my findings reference checks carried out, and if so, to what extent, 7 7 to: was there encouragement of inappropriate behaviour or do you think that's included --8 8 MR ENGLEHART: The problem with that, sir, as I see it, is and punishment? 9 9 MR VALARINO: Sir, I will submit that any punishment of this: it is fair to say that these issues have been 10 10 an adult is itself wrong. drafted in fairly wide terms, that's because, as will be 11 THE CHAIRMAN: Right. If that is the case, and if I made 11 known to no doubt many in this room, that the witness 12 12 a finding to that effect, then it would be statements are phrased in fairly wide terms, as they 13 inappropriate, so it would still fall within the terms 13 were drafted for the Industrial Tribunal. 14 14 of the issue as drafted. Now, the supposed addition is honing down into 15 15 MR VALARINO: The last point, my Lord, is 21, which reads: a point of detail which may be of some relevance but at 16 "Did the SSA promulgate a code of conduct for 16 the end of the day, isn't as such made in the witness 17 members of staff at the home and if so, were copies 17 statements. You of course have power, sir, under 18 readily available to staff?" 18 paragraph 2 to extend your Inquiry, but I would 19 I think the issue should be extended to find out 19 respectfully submit that some caution should prevail 20 whether the code of conduct actually formed part of the 20 before one narrows down these admittedly fairly widely 21 employees' induction to the job. The code of conduct, 21 drafted terms of the issues into a point of detail such 22 was that included in the initial training of staff? 22 as this. 23 THE CHAIRMAN: How would you like the issue to read, then? 23 THE CHAIRMAN: I mean, I suppose in practical terms if that 24 24 MR VALARINO: Well, did the SSA promulgate a conduct of were added as an extension of issue 4, the Inquiry would 25 members of staff at the Home? Were copies readily 25 have to look at the basis on which every single member 34 36

1	of staff was employed over the entire period.	1	Item 5, prop
2	MR ENGLEHART: That was a concern, because the extent to	2	Inquiry. Mr .
3	which you, sir, would want to get involved with the	3	introduce the
4	precise detail of each employee's induction is possibly	4	MR AZOPARDI
5	debatable. But, sir, I would respectfully suggest that	5	intended to p
б	it's better left in admittedly fairly broad terms as it	6	progress of t
7	stands at the moment.	7	is conscious
8	THE CHAIRMAN: Thank you. Would anyone else like to say	8	last year, it h
9	anything about the list of issues? Well, Mr Valarino,	9	information
10	thank you very much for what you have said. I fully	10	work of cour
11	understand the points you have made, but I am not	11	purpose of it
12	persuaded that it would be useful to extend the terms of	12	information
13	reference as you have suggested, as Mr Englehart has	13	also as to ho
14	pointed out, the proposed addition to issue 21 is	14	forward.
15	already covered by issue 4, and in relation to issue 4	15	We are gra
16	itself, in my judgment it would not be appropriate in	16	by public aut
17	practical terms to extend it so that I would have to	17	on our reque
18	investigate every single incident of employment all the	18	of our prelim
19	way through the period of investigation.	19	Care Agency
20	So for those reasons, while thanking you for what	20	exercise has
21	you have said, Mr Valarino, I am going to leave the list	21	few months.
22	of issues as it is. It being the fact that nobody has	22	To give you
23	made any further submissions, I will take it, unless	23	relevant doc
24	anybody wants to say something at the last moment	24	is a sift of wh
25	Ms Guzman, do you want to say something?	25	electronic di
	37		
1	MS GUZMAN: Sir, the only thing we would say at this stage	1	various relev
2	is that we have no concerns with the list of issues as	2	with the pub
3	drafted at present on the basis of the very widely	3	The purpose
4	drafted. The only reservation that I would express is	4	but also to en
5	that at the next preliminary hearing there may well be	5	bundle so tha
б	submissions to be made in relation to that, once we	б	also within
7	actually have receipt of further material.	7	Inquiry bund
8	THE CHAIRMAN: Right.	8	of use at the l
9	MS GUZMAN: At the moment it's purely based on the	9	The volum
10	information we have, which is limited in itself.	10	broadly relev
11	THE CHAIRMAN: So you say it would be premature formally to	11	witness state
12	adopt this as a finalised list until we have seen the	12	decision has
13	witness statements?	13	greater assist
14	MS GUZMAN: Yes, sir, that's certainly our position. But in	14	an electronic
15	general terms as it stands now, we have no objections or	15	might be a ha
16	concerns with the list, subject to that reservation, and	16	witnesses, it
17	it may well be that there is nothing further to add at	17	copies of the
18	the next hearing, but until such time as we have the	18	It is indeed c
19	material, we cannot say.	19	costs for rele
20	THE CHAIRMAN: I fully accept what you say, Ms Guzman, and	20	an electronic
21	so for that reason I will not formally finalise this	21	quickly searc
22	list today, but I may perhaps express the hope that at	22	material.
23	the next hearing we can do that without too much further	23	Again to giv
24	submission. Thank you very much.	24	papers, aroui
25	Right, that deals with item 4 on the agenda.	25	being upload
	38		

1	Item 5, proposed timetable, overview by counsel to the
2	Inquiry. Mr Azopardi, would you be good enough to
3	introduce that?
4	MR AZOPARDI: Thank you, sir. Item 5 on the agenda is
5	intended to provide public information as to the
б	progress of the work of the Inquiry so far. The Inquiry
7	is conscious that it was established towards the end of
8	last year, it has sought to maintain as much public
9	information as possible, but a lot of the preliminary
0	work of course has happened behind the scenes. So the
1	purpose of item 5 is to a large extent provide some
2	information on the backdrop over the last few months and
3	also as to how we see the work of the Inquiry going
4	forward.
5	We are grateful for the co-operation provided so far
6	by public authorities, who have thrown open their files
7	on our request, and indeed it has been an important part
8	of our preliminary work to review documents held by The
9	Care Agency for relevance. Indeed, that process and
0	exercise has taken up a lot of the Inquiry team's first
1	few months.
2	To give you an idea, there has been a sift for
3	relevant documents of over 80 boxes of material. There
4	is a sift of what we call hard documents but also
5	electronic disclosure requests have been sent to the
	39
1	various relevant entities. We have been in discussions
2	with the public authorities concerned on documentation.
3	The purpose of that is not only to ascertain relevance,
4	but also to enable then the compilation of an Inquiry
5	bundle so that we can use it at the main hearing, and
б	also within the umbrella under the umbrella of the
7	Inquiry bundle, a core documents bundle which would be
8	of use at the Inquiry.
9	The volume of papers that have ascertained as
0	broadly relevant to the issues that are set out in the
1	witness statements are of such magnitude that the
2	decision has been taken in principle that it would be of
3	greater assistance for the Inquiry bundle to be held on
4	an electronic platform. For that reason, while there
5	might be a hard copy Inquiry bundle for use of
6	witnesses, it is not intended for there to be too many
7	copies of the Inquiry bundle compiled for costs reasons.
8	It is indeed cheaper and, in the long run, will reduce
9	costs for relevant documents to be uploaded onto
0	an electronic platform so that the Inquiry can then
1	quickly search in seconds rather than days for relevant
2	material.
3	Again to give people an idea of the volume of
4	papers, around 35,000 pages have been scanned, which are
5	being uploaded onto an electronic platform, special

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1contractors have been brought in to construct the12electronic platform, which will be ready - certainly we23are on target that it will be ready by the55beginning of July. It is our hope that that should be56so, and it will certainly facilitate the work of the61Inquiry.78The intention behind the electronic platform, once99it is constructed, is that it will also facilitate910access by other counsel of documents. We are in1011principle not intending to give access to the whole1112Inquiry bundle to all counsel, but rather to ringfence1213relevant parts of the Inquiry bundle to individual1314counsel, in the interests of confidentiality. It is1415certainly the in principle intention of the Inquiry, we1516mil give access to the core documentation of the1817Inquiry to all counsel.1718That is what I wanted to say in relation to the1819electronic platform itself. As has been stated, there1910has been a request made that witness statements be2011be met, because it will certainly facilitate the next2422the work of the Inquiry, subject to extensions being2223granted, as reasonably requested from other parties and434be met, because it will certainly facilitate the next2424few months' wo			
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24other procedural matters which will then enable the main2425hearing to happen on the targeted date. As the Chairman25	23		23
25hearing to happen on the targeted date. As the Chairman25	24		24
	25	•	25

1	has indicated, it is the Inquiry's hope that the and
2	certainly the settled view at this stage main hearing
3	will commence on 30 September of this year.
4	Mr Chairman, I think I have said all I had to say on
5	that.
6	THE CHAIRMAN: Thank you very much, Mr Azopardi. I would
7	like to repeat, really, what Mr Azopardi said in
8	relation to the target date. Monday 30 September for
9	the commencement of the main hearing. That is a target
LO	which we intend to hit, if at all possible, and I very
11	much hope that these outstanding matters to which
L2	Mr Azopardi has referred will be resolved as soon as
13	possible and that outstanding requests for disclosure
14	will be met, again as soon as possible, so that we can
15	stick to the proposed timetable, because it is
16	important, in everyone's interests, now that this
17	Inquiry is, as it were, up and running, that the main
18	hearing should take place as soon as it is practically
19	possible to hear it.
20	So that is what we are planning, and I very much
21	hope that all those who have been asked to assist in any
22	way in the work of the Inquiry will bear that in mind,
23	and that outstanding requests for disclosure and other
24	such matters will be dealt with as quickly as it is
25	possible to deal with them.

### 43

1	Mr Vasquez, do you want to say something about the
2	timetable?
3	MR VASQUEZ: Just a slight clarification, sir. Sir, you
4	were at pains at the beginning of the Inquiry to say
5	that everything was public unless you said otherwise.
6	I have just heard Mr Azopardi say that the electronic
7	platform will be ringfenced in relation to counsel
8	because there might be issues of confidentiality.
9	Unless I am failing to understand something I think
10	there seems a bit of incompatibility with the
11	statements.
12	THE CHAIRMAN: It's one thing to say what happens here in
13	terms of what is said in this place, and as I have said,
14	today's hearing is entirely public; it's quite another
15	matter whether all the documentary evidence should be
16	disclosed to everybody involved in the Inquiry, because
17	one of the dangers of that would be that the Inquiry
18	would be likely to become unmanageable. But that's
19	something we will have to consider when the time comes.
20	It may be, if you want to make submissions about that,
21	Mr Vasquez, I think that's a matter which we will have
22	to consider seriously at the next hearing. Is that all
23	right?
24	MR VASQUEZ: Thank you.
25	THE CHAIRMAN: What I was going to say about the next 44

1       hearing, if that's a good moment to dot, is that we       1       not be represented: if they want to come along as well,         3       have to be resolved at the next hearing, and that may be       2       this is not an evidence-taking exercise at all, it's         4       one of them. What I would ask people to do is, if you       4       simply to enable me to visualise what the huilding tooks         6       person, wish to make submissions at the next hearing,       6       mode in the evidence, if's much easier for me to         7       cmid you place provide the inquiry with a written       7       understand what the writings is tabling about.         8       seleton argument - I needrift be too estensive - by       8       So that, I think, is all need to say about the         11       in which to produce a seleton in response, if that is       11       the infinitiar for any tight.       We are enow right down to the end of the agenda with         12       business on Fidsy 19 (by. Then the hearing will lake       13       four the point affecting the main         13       loa appreciate these time limits are fairly tight.       11       to hearing und you to, as the terms of reference put         14       appreciate these state intrastare for the response and that is to a state an important affecting the main       14         16       appreciate these time limits are fairly tight.       15       the inte an impor				
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4         one of them. What I would ask people to do is, if you         4         simply to enable me to visualize what the building looks           5         wish — if you, that's to say counsel of M Valarino in         5         like, how it's laid out, so that when enceres are           6         person, wish to make submissions at the next hearing.         6         made in the evidence, it's much easier for me to           7         could you please provide the linquiry with a written         7         understand what the writess is tabling about.           8         skeletion argument - it meend the to costerior + by         8         So that, I think, is all need to say about the           9         I would suggest close of business by Friday 12 July.         9         proposed visit.           10         the input it to produce a skeleton in response, if that is         11           11         in which to produce a skeleton in response, if that is         13           12         business on Friday, 19 July. Then the hearing will take         13         further point which I would like to raise now, because           13         business on Friday, 19 July. Then the hearing will take         13         hearing and my duy to, as the terms of reference put           14         is a furt direction, and it will         18         person to meed writh wersponse.         18           14         with his as quickly as	2	have identified a number of matters which are going to	2	then of course they may do so. But I do stress that
5       wish - if you, that's to say counsel or Mr Valarino in       5       like, how it's laid out, so that when references are and in the evidence, it's much casies for ne to understand what the witness is talking about.         7       coid you please provide the linginy will say another written       7       So that, I think, is all 1 need to say about the proposed visit.         8       skeleton argument - it needrift be too extensive - hy       8       So that, I think, is all 1 need to say about the proposed visit.         9       I you di suggest class of business. No relady is the area the evidence, it's much called to any other business. No ne has       the familiar item, any other business. You have a superson if that is 1       11       the familiar item, any other business. Towe have a superson if that is 1         11       in which to produce a skeleton in response, if that is 1       16       he aring and my du'ty o, as ite terms of reference put it, is quite an important point affecting the main         12       thought to be appropriate. So that would be close of 12       12       protein that sai. I wait furtion provi         13       husiness on Friday. 19 July. Then the hearing will take       13       further point which 1 would like to raise now, because it with which a superson in the modified scape of the stage and provide that sai. I wait further point which all rouginy like this should a approach that tak. Provisionally, and two as a now the superson in the modified scape of the stage and the say is which an I nugury like this should approach that tak. Provisionally, and two asupanon the superatis is the ma				_
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20       to the hearing itself, because it will make it much       20       several times this morning, so here is another         21       easier for me to produce a ruling sooner than I might       21       provisionally, and subject to any contrary submissions         22       otherwise have been able to do.       22       by ayone, counsel or in person, I am minded to adopt         23       Thank you very much for that.       23       the approach taken by Mr Robert Francis QC in his recent         24       Item 6, settlement of list of persons within       24       report into the Mid Staffs NHS Trust, and that is to         25       section 11 of the Act. Well, Mr Azopardi I think       25       say, and I will quote here it's not actually a direct         47       47         1       referct agnification to the inquiry or against whom       3       anyone who may want to make a further note of it and the         3       effect implicated in the lnquiry or against whom       3       anyone who may want to make a further note of it and the         4       allegations were made. We have a list of such persons.       4       approach which I am proposing to adopt provisionally is         5       A number of them we have so far unfortunately been       5       as follows:       To express my findings as I see fit without being         7       lam not going to name those persons because that would	18	I hope that is a fair direction, and it will	18	years as to the way in which an Inquiry like this should
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	24	date and time and obviously, if they wish to attend, may	24	So that's how I propose at the moment to approach
46 48	25	do so and so may any person within section 11 who may	25	the task of finding the relevant facts. I am not going
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1	to bounce this on anyone today, but if anybody has
2	concerns about that, and wishes to make submissions that
3	some contrary approach would be appropriate, then of
4	course I will hear that on 23 July, but I hope that that
5	is a fair approach and it's certainly one which
6	Mr Francis adopted, and on the basis of the authorities
7	which I have seen, I regard that as, at the moment
8	anyway, subject to any contrary submission, the correct
9	approach for me to take.
10	So that's any other business. I think that really
11	completes everything we can do today. We have flagged
12	a number of matters. Mr Englehart, do you want to add
13	anything?
14	MR ENGLEHART: No, sir, I respectfully agree.
15	THE CHAIRMAN: Right. If anybody else wants to say
16	anything. Mr Valarino, if you want to say anything
17	more, please do. Otherwise I will close this hearing,
18	thank everybody for their attendance, I hope it has been
19	useful in explaining what the Inquiry is about, where it
20	has got to, and where it hopes to be going, and I can
21	assure everyone that we will get on with our work as
22	speedily as it is possible to do, and, as I say, I very
23	much hope that we shall meet again on 23 July and the
24	final main hearing will begin on 30 September.
25	So, unless anyone wants to say anything else, thank
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1	you all very much and I will see you again perhaps on
2	23 July.
3	(11.20 am)
4	(The hearing adjourned until Tuesday, 23 July 2013)
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