

Guidance for witnesses attending an impact hearing

1. Purpose of the guidance

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

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

2. Aim

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

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

2.3 The hearings and witnesses team can be contacted by email at hearingsandwitnesses@scotland19inquiry.scot or by telephone on 0808 164 0222.

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

3.1 After giving a statement to the Inquiry, a member of the legal team will inform witnesses if they are being asked to give evidence at an oral hearing. The Inquiry will send witnesses a notice in writing (a "citation"), advising them they should attend to give evidence on a particular day. Witnesses will be given as much notice as possible of the date(s) when they need to attend to give evidence.



3.2 A member of the hearings and witnesses team will contact in advance the witnesses due to appear at each hearing to discuss any support or assistance they may require.

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

4. The Inquiry hearing venue

4.1 Our hearing venue is located at Waverley Gate, 2-4 Waterloo Place, Edinburgh, EH1 3EG. A venue familiarisation video is available on the Inquiry's [website](#).

4.2 Ordinarily, the Inquiry will broadcast its hearings on its [YouTube channel](#). The Inquiry will post updates about hearings, including start and adjournment times, on its social media channels.

5. Travelling to the Inquiry hearing venue

5.1 The closest public transport links for Waverley Gate are Edinburgh Waverley railway station, Edinburgh Bus Station, the Airlink bus service to and from Edinburgh Airport, a range of Lothian Buses and First Bus stops on Princes Street, North Bridge and Waterloo Place, and the St Andrew Square and Picardy Place tram stops.

5.2 There is no car parking available at the hearing venue. However, there are pay-and-display parking spaces available in the New Street car park.

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

6. Who will be present in the hearing room?

6.1 The Chair of the Inquiry sits at the front of the hearing room, or will appear on a television screen at the front of the room if he is attending remotely. He listens to all the evidence and makes any necessary procedural decisions. He will take notes while witnesses give evidence and may also ask them questions.

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

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

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

7. What happens at an oral hearing?

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

7.2 Once Inquiry counsel are in place in the hearing room, a hearings and witness support officer will accompany each witness to the witness seat in the hearing room, from which they will give their evidence. The Inquiry Chair will enter the hearing room once the witness is seated and ready to begin.

7.3 Ordinarily, proceedings will begin at around 10am and should conclude no later than 4.45pm. There will be a lunch break of 45-60 minutes at around 1pm. Morning and afternoon breaks will be taken at convenient times. Most witnesses are likely to give evidence for about an hour.

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

7.5 The Chair expects everyone present at hearings to treat witnesses with respect.

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

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

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

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

7.10 Witness rooms are in a secure area of the hearing suite. Witnesses may leave personal belongings such as bags and coats in a witness room while they give evidence, however, the Inquiry cannot guarantee the security of any items. Lockers are also available and a Hearings and Witness Support Officer can assist with this.

7.11 Except for water, eating and drinking are prohibited in the hearing room. The Inquiry team will provide water at the witness desk for those giving evidence.

7.12 Smoking and vaping anywhere inside the hearing building are strictly prohibited.

8. Support for witnesses

8.1 The Chair can put measures in place to help witnesses give their best evidence to the Inquiry. This may include making special arrangements to enable those who are vulnerable or have additional needs to give their evidence in the least distressing and most effective way.

8.2 The Inquiry team will discuss arrangements on a case-by-case basis with the witness or their legal representative in advance, including any specific needs arising from the witness' circumstances. The Inquiry team

will continue to monitor the need for support while the witness is giving evidence. Requests for support should be brought to the attention of the Inquiry team as early as possible. The Inquiry team can make arrangements for a [CRUSE Scotland](#) bereavement counsellor to be available onsite.

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

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

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

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

8.3.4 Tea, coffee and water will be available in the witness room throughout the day. Lunch can be provided where appropriate. There is a café on the ground floor of the building and a variety of restaurants, cafes and takeaways nearby.

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

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

8.3.7 The Inquiry will schedule regular breaks into the hearing timetable and all witnesses can request a break if they need one.

9. Vulnerable witnesses

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

9.2 Witnesses should include the following information with their request:

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

9.3 The Inquiry will treat all witnesses under the age of 18 who are giving evidence as vulnerable witnesses.

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

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

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

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

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

9.8 Any changes in a witness's vulnerabilities or needs should be communicated to the hearings and witnesses team as soon as they are discovered.

10. Restriction orders

10.1 Under Section 19 of the Inquiries Act 2005, the Chair may impose restrictions on either attendance at an Inquiry hearing or the disclosure or publication of any evidence or document given to the Inquiry. The Chair

may make these orders, known as “restriction orders”, either at his own instance or on application by an interested party. For further information about restriction orders, please see the [Protocol on Applications for Restriction Orders](#) and the [Protocol on Public Access to Documents](#) on the Inquiry [website](#). Legal representatives will be able to explain which restriction orders apply and the effect each order has.

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

10.3 If a restriction order is breached during a hearing, proceedings will be paused while the legal team confirms the details of the breach and arranges the appropriate action. Normally, this will only take a couple of minutes. This should not be a cause for concern for witnesses. While the breach is being addressed, the witness will usually remain in the hearing room and their hearings and witness support officer will be on hand to answer any questions the witness may have.

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

11. Expenses for attending a hearing

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

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

11.3 For more information on eligibility, what can be claimed and how to apply, please see the Inquiry's [Protocol on Witness Expenses](#). The hearings and witnesses team can assist with any questions and help the witness apply.

12. Further information



12.1 For questions about any of the above, or to discuss support available to individuals who give evidence to the Inquiry, please contact the hearings and witnesses team by email at hearingsandwitnesses@scotland19inquiry.scot

12.2 This is the fourth version of this guidance, issued 02 October 2024.