

**Ruling on the Inquiry's Hearing Arrangements in light of the Covid-19  
Pandemic Following Submissions on 14<sup>th</sup> January 2021**

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1. This morning I heard oral submissions from a number of counsel on the issues that arise as a result of the latest developments with the Covid-19 pandemic and the current national lockdown. I also considered submissions on these matters which had been made in writing by Core Participants ('CPs').
2. I am grateful for all the submissions, which were reasonable and constructive, although different CPs had different priorities.
3. As was agreed by everyone, there is no perfect solution which will completely satisfy all the different priorities in relation to how to manage the oral hearings in the current circumstances. It is obvious to me that some degree of compromise is required, which I hope we can achieve.
4. No-one needs any lengthy reminder of why this hearing became necessary. We were due to continue our oral hearings last Monday after the Christmas break. We had been able to conduct in person hearings up until Christmas by following strict protocols to try and prevent the spread of the virus.
5. The arrival of the more transmissible variant of COVID-19 has required us to re-think if, and how, we can continue to hold hearings.
6. We have received advice from Public Health England ('PHE') and Manchester City Council's Director of Health and Environmental Health Officer as to whether we can continue in-person hearings and, if so, the extent of who can attend those hearings. All CPs have been supplied with

notes of a meeting that took place with the Inquiry Secretariat setting out the advice that we have received.

7. Some counsel and Mr. Gardham, making representations on behalf of the press, contrasted the restrictions on attendance suggested by PHE for our hearings and the conduct of criminal trials in the Crown Courts, which are intended to continue. While I understand those arguments, I have to pay most attention to the risk assessment which has been prepared specifically for the Inquiry as there may be some factors which affect the Inquiry to a greater extent than the Crown Court. I have in mind in particular, the number of people who would need to travel across the country if everyone who wanted to was able to attend the Inquiry in person and at the Annexes.
8. While in principle we can continue with oral hearings, attendance at those hearings will have to be severely restricted. At present, it is intended that attendance should only be by CTI, STI the witness and me, as Chairman.
9. Family CPs and counsel would have to attend remotely. We were always intending to have a one week break starting on 15<sup>th</sup> February to coincide with what would have been half term and a schedule of witnesses who the Inquiry Legal Team assessed not to be substantially controversial has been put together to take us up to then. It appears there is some dispute about the suitability of a limited number of those witnesses to be dealt with in that period, but I very much hope that any differences about that can be resolved by discussions with CTI.
10. It is intended that, to start with, we sit for 2 ½ days a week only, in part because of home schooling of children and also because the longer periods that we sit the greater the risk of transmission.
11. Mr. Warnock QC submitted that we should be making decisions now about how we should proceed after the half term break. His submission was that we should decide now to proceed only remotely after the half term break. He cited the example of other public inquiries, and particularly the Grenfell Inquiry, who are continuing on a remote basis only. Whilst I will of course take into account what other inquiries are doing, each inquiry has to make its own decision depending in part on the type of evidence that

they are considering. In this case, we have family CPs who have been able to attend hearings and, as they have explained to me, attending is important to them. For the reasons explained by Mr. Cooper QC and Mr. Atkinson QC, the presence of those family members who want to attend is of value to the Inquiry.

12. The spread of the virus seems ever changing which affects the advice we are being given. I therefore do not think that it would be appropriate for me to make decisions now about what we do after the half term break. We will have a further hearing on 16<sup>th</sup> February during which the future course of the Inquiry can be determined.
13. Ms Roberts QC explained to me the present position of NWAS, which was of substantial concern and getting worse. She wished to be re-assured that we will not require the attendance as witnesses from NWAS those who are now primary carers, as everyone who is medically qualified is being required to assist with the present emergency. Of course, we would not interfere in anyway with essential life saving work. Nevertheless her submissions did bring home to us just how bad the present situation is.
14. Partly as a result of Ms Roberts' submissions and after discussions with CTI and STI, I have decided that I will not attend next week's hearings in person but will attend remotely. I have reached this decision taking into account the responsibility on all of us to avoid leaving our homes unless it is necessary to do so and my own circumstances, which are that I am in a priority group for vaccination but have not yet been vaccinated. If I were to become seriously unwell, in addition to the effect on me, this would adversely affect the progress of the Inquiry. In those circumstances I consider that I should attend remotely when this is consistent with doing my job properly.
15. Next week will involve an opening from Mr Greaney and evidence setting out the sequence of events which will be uncontroversial. I will not need to judge the credibility of the witness. An additional benefit of my attending remotely is that I will be able to watch exactly what the legal representatives and family CPs see. That will give me a much better

impression of whether remote hearings would work and, if so, the sort of evidence that they could be used for.

- 16.If anyone strongly disagrees with this decision then they can of course make representations.
- 17.In the meantime, before the hearing on 16<sup>th</sup> February, we will need to obtain a further risk assessment based upon the evidence then available. That should consider whether we can increase the number of people in the hearing room by including some family members and legal representatives.
- 18.In the event that proves impossible, I would like consideration to be given by everyone as to what evidence could be dealt with remotely and we should at least consider hearing that evidence. It is important that we should not lose momentum if possible.
- 19.Everyone is agreed that we should try and keep the hearings going, but, if that is impossible, we shall have to consider having a break from hearings, even though no-one wants that to happen.

**Sir John Saunders**  
**14<sup>th</sup> January 2021**