



Successfully navigate the legal and procedural complexities arising out of public inquiries

Public Inquiries

Wednesday 12 October 2011

Central London

APIL accredited



Chaired by:

Martin Smith, Field Fisher Waterhouse LLP

Keynote speaker:

Lord Hutton

Expert speakers:

Lord Bichard

James Dingemans QC, 3 Hare Court

Patrick O'Connor QC, Doughty Street Chambers

Jason Beer QC, 5 Essex Court

Max Hill QC, 18 Red Lion Court

Rory Phillips QC, 3 Verulam Buildings

Sara Carnegie, Detainee Inquiry

Lee Hughes CBE, AI – Sweady Public Inquiry

Peter Skelton, 1 Crown Office Row

Nicholas Griffin, 5 Paper Buildings

Nicholas Moss, Temple Garden Chambers

Tessa Hetherington, Matrix Chambers

Attending this timely event will enable you to:

- Gain an insight from **Lord Hutton** into the **running of a public inquiry**
- Understand the differences between **investigations, reviews and inquiries**
- Explore the balance between the need to **withhold sensitive material** and **conduct public hearings**
- Discuss the interaction between **judicial review** and public inquiries, including using judicial review to challenge the Government's **refusal** to hold a public inquiry
- Hear how organisations engaged in a public inquiry can effectively manage **time, costs and reputation**

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"One of the best conferences I have been to. Every speaker was informative and interesting, held my interest all day!"

K. Donne, Barran Woodward, 2011 Inquest Law delegate

Public Inquiries

Why attend this conference?

Public inquiries have become an increasing feature of **public life** and represent an important mechanism for **ensuring accountability** and restoring public confidence. Such inquiries are, however, fraught with difficult legal and procedural issues. Recent public inquiries have raised the complex task of balancing the need to **withhold sensitive material** and conduct public hearings. Other difficult issues that have recently been raised in the context of public inquiries include deciding which **standard of proof** to apply and the interrelationship between inquiries and other legal proceedings.

Butterworths' forthcoming Public Inquiries conference is your comprehensive guide to navigating this complex legal landscape. From deciding the **terms of reference of an inquiry** to the use of **judicial review** to challenge the way the inquiry is being run, this conference covers all the pertinent issues.

Expertly chaired by **Martin Smith** of **Field Fisher Waterhouse LLP**, our renowned panel of expert speakers, including Lord Hutton and Lord Bichard, will offer their insights and expert guidance enabling you to successfully unravel the complexities that frequently arise during these proceedings.

How will you benefit from attending?

- Discuss how the **Inquiries Act 2005** is working in practice
- Debate if we are going to see a rise in **private inquiries**
- Analyse **Article 2 & 3 requirements** for a public inquiry
- Explore how a public inquiry should **handle sensitive intelligence material**
- Get to grips with the practicalities of an inquiry including those surrounding

Hear what delegates at our 2011 Inquest Law conference said:

"Very informative and relevant. Speakers were well suited to topics presented"

P. Kaur, Treasury Solicitor Department

"Very informative conference packed with well researched content"

K Thompson, Northumbria Police Federation

"Very informative, delivered in a succinct, varied and interesting way!"

P. Rooney, QEB Hollis Whiteman

Meet your keynote speaker:

Lord Hutton was called to the Northern Ireland Bar in 1954. He acted as junior counsel to the Attorney General for Northern Ireland in 1969 and took silk in 1970. He was appointed to the High Court in 1979 and became Lord Chief Justice of Northern Ireland in 1988. He became a Lord of Appeal in Ordinary in 1997. In 2003, he conducted a high profile public inquiry in to the death of the government weapons expert Dr David Kelly. He retired in 2004.

Network with your peers

A sample of the organisations that have benefited from our recent Inquest Law conferences includes:

- Treasury Solicitors Department
- The Royal British Legion
- Office of Rail Regulation
- Metropolitan Police
- General Pharmaceutical Council
- Parliamentary & Health Services Ombudsman
- Foreign & Commonwealth Office
- Independent Police Complaints Commission
- Ministry of Defence
- Ministry of Justice
- Health & Safety Executive
- INQUEST
- LIBERTY
- Medical Protection Society
- MENCAP
- MDDUS
- Police Service of Northern Ireland
- The Howard League for Penal Reform
- Huntington's Disease Association
- Capsticks
- 3 Raymond Buildings
- 3 Serjeants' Inn
- 18 Red Lion Court
- Pannone LLP
- Outer Temple Chambers

Meet your chair:

Martin Smith is a noted practitioner in administrative and public law with specialist expertise in assisting coroners conducting high profile inquests, judicial public inquiries and other independent tribunals of inquiry. The legal directories commend him as being 'held in extremely high regard by fellow practitioners', and say that he 'deals effectively with counsel, the judge and administrative support in a manner that is clear and helpful to everyone'. (Chambers). Martin acted as Solicitor to the inquests into the London Bombings and the inquests into the deaths of Diana, Princess of Wales and Mr Dodi Al Fayed. He has also worked on The Hutton Inquiry, The Morris Inquiry and he is currently Solicitor to the Baha Mousa Public Inquiry.

Programme

Wednesday 12 October 2011

08.50 Registration & coffee

09.20 Chair's opening remarks

Martin Smith, Partner, Field Fisher Waterhouse LLP

09.30 **An insight into the running of a public inquiry**

Lord Hutton

10.00 **Types of inquiries**

- Terms of reference of an inquiry
- What are the differences between investigations, reviews and inquiries?
- How is the Inquiries Act 2005 working in practice? - the advantages and disadvantages of holding a public inquiry under the Inquiries Act 2005
- What are the differences between a public and private inquiry?
- Current trends - are we going to see a rise in private inquiries?

James Dingemans QC, 3 Hare Court

10.45 **Establishing a public inquiry**

- In what circumstances do we need a public inquiry?
- What statutory vehicles can be used to establish a public inquiry?
- How can you challenge the Government's refusal to establish a public inquiry? - the use of judicial review
- Interaction with Article 2
- Interplay between inquests and inquiries - can an inquest discharge the need for a public inquiry?

Patrick O'Connor QC, Doughty Street Chambers

11.30 Coffee

11.45 **Understanding the different roles within an inquiry**

- Role of counsel to inquiry
- Role of solicitor to inquiry
- Role of secretary to the inquiry
- Role of an inquiry chair
- Role of lawyers representing core participants

Lee Hughes CBE, Inquiry Secretary for the AI - Sweady Public Inquiry

Martin Smith, Partner, Field Fisher Waterhouse LLP

Peter Skelton, 1 Crown Office Row

12.15 **Guidance on the practicalities of an inquiry**

- Establishing inquiry procedures - starting with main 'Protocol'
- Website
- IT system - importance of getting it right for Inquiry
- Data protection and security policy
- Representation
- Gathering evidence
- Presentation of evidence during the oral hearings
- Costs and duration of a public Inquiry

Sara Carnegie, Solicitor to the Detainee Inquiry

Nicholas Griffin, 5 Paper Buildings

13.00 Lunch

14.00 **Evidence and procedural matters**

- Witnesses and evidence (including undertakings as to the future use of evidence)
- Restriction notices and orders
- Anonymity orders - procedure and legal test
- The balance between the need to consider sensitive material and give disclosure / conduct public hearings
- The requirements of fairness - warning procedures
- The standard of proof in an inquiry
- Unravelling the interrelationship between inquiries and other legal proceedings (civil and criminal proceedings)

Jason Beer QC, 5 Essex Court

14.50 **Public access to an inquiry**

- The importance of transparency in public proceedings
- Granting and restricting public access to an inquiry
- The role of an inquiry website in facilitating public access
- Televising inquiry proceedings

Nicholas Moss, Temple Garden Chambers

15.30 Afternoon tea

15.45 **BREAK-OUT SESSION**

Option 1: Tips for organisations engaged in public inquiries

- Managing time and costs
- Media handling and reputation management

Max Hill QC, 18 Red Lion Court

Option 2: The role of victims and their families in public inquiries

- Participation of victims and their families - level of participation and the use of mechanisms for ensuring and regulating participation
- Representation and costs

Tessa Hetherington, Matrix Chambers

16.30 **The end of the inquiry**

- What to expect at the end of an inquiry
- The use of judicial review to challenge the findings of the report
- Inquiry reports
- Learning the lessons and formulating the recommendations from an inquiry

Lord Richard

Rory Phillips QC, 3 Verulam Buildings

17.15 **Chair's closing remarks**

17.20 Conference ends

Keynote address

Panel session

Closing address

Registration

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 Healthcare Professional Regulation, November 2011
 Commercial Judicial Review and Regulatory Proceedings, February 2011
 Inquest Law, March 2011

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