

Direction 9 – Form of closing statements relative to the hearing commencing 19 August 2024 (Glasgow III) and further procedure



In terms of section 17 of the Inquiries Act 2005 (“the Act”) and the Inquiry (Scotland) Rules 2007, Lord Brodie (“the Chair”) of the Scottish Hospitals Inquiry (“the Inquiry”) directs, in relation to the hearing commencing on 19 August 2024 (the Glasgow III hearing) and further procedure following thereon, that:

1. Whereas Direction 8 provides that Counsel to the Inquiry shall submit a written closing statement to the Solicitor to the Inquiry by 20 December 2024 for intimation to Core Participants and that Core Participants with leave to appear at the Glasgow III hearing may submit written closing statement to the Solicitor to the Inquiry by 31 January 2025:
 - 1.1. These written closing statements must be formatted as Word documents which can be edited and formatted by the Inquiry for publishing purposes;
 - 1.2. Where passages of witnesses’ evidence are referred to or relied on they must be identified by the numbers of columns in the relevant transcript or paragraphs in the relevant witness statement;
 - 1.3. Where a document is referred to or relied on in these statements it must be identified by the numbers of the relevant bundle, volume (if applicable) and page or pages;
 - 1.4. Where a Preliminary Position Paper (PPP) or a Core Participant’s previous response to a PPP, is referred to or relied on, the relevant passage or passages should be identified by bundle, page and paragraph numbers;
 - 1.5. Where a Core Participant refers or relies upon a document which they have already submitted to the Inquiry, but is not included in an existing Hearing Bundle, they must make reference to that document in the same terms as it was submitted to the Inquiry in order that it can be identified and accessed. Documents should not be resubmitted to the Inquiry;
 - 1.6. Where a Core Participant wishes to refer to or rely on a document which has not been submitted to the Inquiry they may only do so with the leave of the Chair, on application having been made to him.
2. Whereas Core Participants may include in their written closing statements such references to evidence and submissions as they consider relevant to the Inquiry’s Terms of Reference, the Chair would wish that:

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- 2.1. Where a Core Participant disputes the accuracy of the narrative or proposed findings set out in Counsel to the Inquiry’s written closing statement, they identify the relevant passage or passages, and explain the basis of and reason for the dispute under specific reference to such documents and witnesses’ transcripts or statements on which they rely;
- 2.2. Where a Core Participant proposes that the Chair should adopt a narrative or make findings additional to what is proposed by Counsel to the Inquiry, they set out such narrative or findings under specific reference to the documents and witnesses’ transcripts or statements on which they rely;
- 2.3. Where it is proposed that the Chair should disregard any evidence heard or considered by the Inquiry in the three Glasgow hearings or within PPPs 5, 11, 12 and 14 a Core Participant set out clearly and explicitly which evidence should be disregarded and why the Chair should do so by reference to that evidence and any other evidence that is relied on;
- 2.4. In respect of each of Key Questions 1 to 4 as set out in Direction 5, Core Participants, in their written closing statements:
 - 2.4.1. Specify whether they consider that the Inquiry has heard sufficient evidence for the Chair to answer the question;
 - 2.4.2. Set out proposed answers to each question along with reasoning to justify each proposed answer;
 - 2.4.3. Or, alternatively, describe what additional evidence must be heard or considered by the Chair in order to answer each question, and explain why that is so.
- 2.5. In respect of each of Terms of References 1, 7 and 8 or part thereof, core participants in their written closing statements:
 - 2.5.1. Specify whether they consider that the Inquiry has heard sufficient evidence for the Chair to reach conclusions that address that Term of Reference or part thereof;
 - 2.5.2. Set out proposed conclusions along with reasoning to justify those proposed conclusions;
 - 2.5.3. Or, alternatively, describe what additional evidence must be heard or considered by the Chair in order to reach conclusions that address each Term of Reference or part thereof, and explain why that is so.
3. In addition to submitting written closing statements, Core Participants with leave to appear at the hearing, and who have given notice of their intention to do, may, on **11 March 2025** and subsequent days make supplementary oral closing statements to the Chair. In respect of that oral hearing:
 - 3.1. Core Participants wishing to make a supplementary oral closing statement must give notice of their intention to do so to the Solicitor to the Inquiry on or

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before **25 February 2025**. Such notice should set out the period of time sought for their statement;

- 3.2. On or before **4 March 2025** those Core Participants who have given notice of their intention to make a closing oral statement will be informed of the time available to them;
- 3.3. Counsel to the Inquiry shall make an oral closing statement.
4. As set out in Direction 8, a further hearing will be held, commencing on **29 April 2025** (Glasgow IV). The object of Glasgow IV is to hear all the remaining evidence (that is the evidence additional to the earlier evidence, analysis and documents that have been heard in the three previous Glasgow hearings as contained in the hearing and statement bundles, transcripts and PPPs 5, 11, 12, 13 and 14) which is necessary for the Inquiry to address its Remit and Terms of Reference. In order to assist the Inquiry Team in leading sufficient evidence at Glasgow IV so as to address the whole of the Remit and Terms of Reference within the timetable set out in Direction 8, Core Participants are directed:
 - 4.1. Clearly to identify all witnesses known to them from whom they consider it essential that the Inquiry hear either in oral evidence or written statements or both, in order for the Chair to reach final conclusions that address the whole of the Remit and Terms of Reference and why they consider that each witness is essential. Any names are to be communicated to the Solicitor to the Inquiry no later than 20 December 2024;
 - 4.2. To provide to the Solicitor to the Inquiry by 17 January 2025 a list of all documents under their control and not yet included in a Hearing Bundle which they consider it essential that the Inquiry should consider before the Chair reaches his final conclusions that address the whole of the Remit and Terms of Reference and why they consider that each document is essential;
 - 4.3. The list of documents referred to in paragraph 4.2 of this direction may be provided to the Solicitor to the Inquiry on a confidential basis in that it would then not (if the Core Participant so requests) be published on the Inquiry Website or made available to other Core Participants;
 - 4.4. For the avoidance of doubt Core Participants should not provide the documents specified in the list of documents referred to in paragraph 4.2 until the Solicitor to the Inquiry either requests that they do so, or until the Chair issues a section 21 notice in respect of any of those documents.
5. Which witnesses and which documents are to be led at Glasgow IV is a matter for the decision of Counsel to the Inquiry, subject to a final determination by the Chair on application being made to him.

Lord Brodie
Chair of the Scottish Hospitals Inquiry
27 November 2024