

1 March 2024

Dear Lord Norton

Thank you for your letter of 16 February 2024. Following my appearance before the Lords Committee on Statutory Inquiries on 12 February 2014, you have asked me to answer a number of supplementary questions to assist the Committee's work. For ease, I have included those questions along with my responses below.

*1. Have you had any involvement in any formal sharing of best practice for running an inquiry? If so, which body coordinated this?*

I have had no involvement in any formal sharing of best practice for running an inquiry. I spoke informally to a number of other inquiry chairs in relation to specific issues or challenges when I was keen to seek an alternative perspective. I organised these conversations myself and they were ad hoc and when issues arose. An example of such a conversation was a discussion with Sir John Saunders when the Brook House Inquiry and the Manchester Arena Inquiry were at similar stages and were considering approaches to how recommendations were to be responded to and implemented.

I also had a meeting with an outgoing chair soon after I was appointed. This meeting was arranged by the Home Office Sponsor Unit (HOSU) but I would also describe the meeting as informal rather than as part of any formal best practice discussion. In my view, a more formalised approach to sharing best practice would be extremely helpful to chairs.

*2. In addition to the use of Restriction Orders, can you list any other situations where a non-legal inquiry chair would require legal advice from the counsel to the inquiry?*

I certainly sought advice from counsel to the inquiry on the potential legal implications of all my determinations (for example, my interpretation of how to balance the obligations of Section 2 of the Act with my specific Terms of Reference which required me to establish mistreatment contrary to Article 3 of the ECHR). I cannot say with certainty whether this was entirely because I was a non-legal chair. Anecdotally, I believe that legally trained chairs may also seek advice on such matters from CTI, who are frequently highly specialised in this field of public law.

*3. How can a chair ensure that the inquiry is following an inquisitorial rather than adversarial approach? Does the chair have power over this?*

In my view, inquiry chairs do need to be alert to the risk of an adversarial approach developing. However, I do wholeheartedly believe that they have the power to ensure the process is inquisitorial.

It is tempting to think primarily of public hearings when thinking about inquisitorial versus adversarial but, while that is an important aspect, I think that ensuring an inquisitorial approach goes far beyond this. A chair's commitment to an inquisitorial approach can and should be demonstrated holistically throughout the life of the inquiry, such as through carefully considered public engagement, providing appropriate support for vulnerable witnesses from their first interactions with the Inquiry and through leading a culture whereby all inquiry staff to view their role as being about fact-finding.

Please do not hesitate to contact me if I can be of any further assistance to the Committee as it works progresses.

Yours Sincerely



**Kate Eves**  
**Brook House Inquiry Chair**