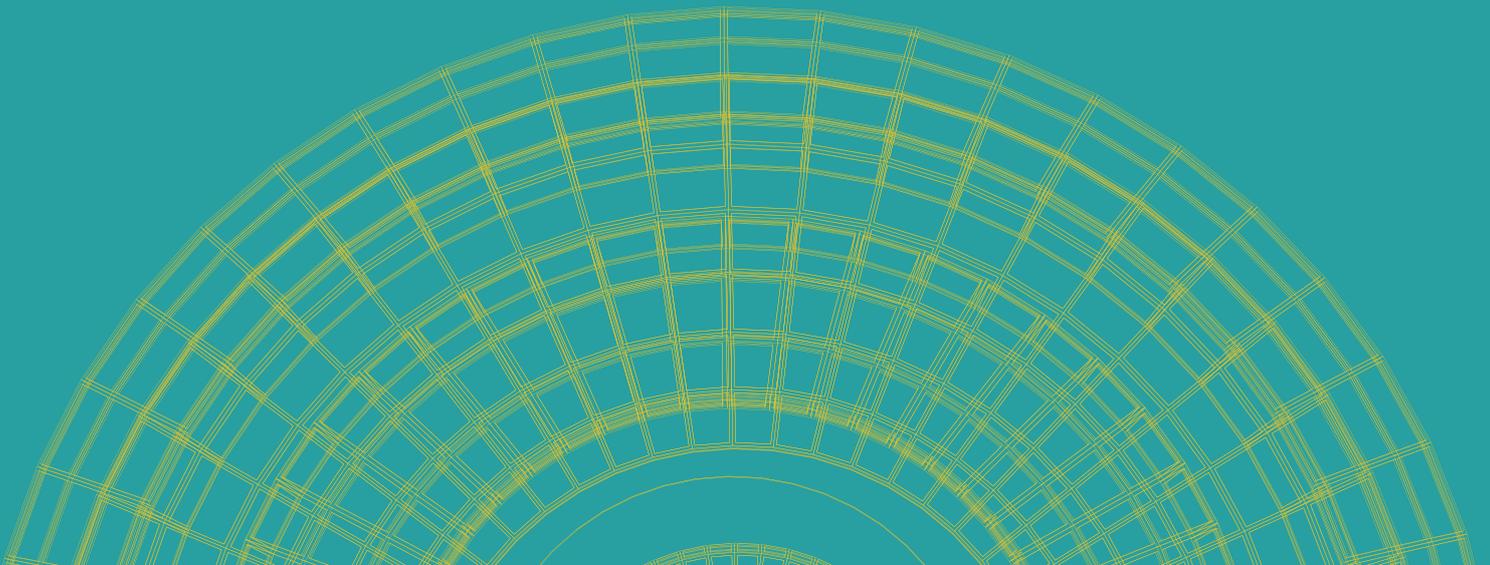


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WHEN IT MATTERS MOST

# Public Inquiry FAQs



## What is a public inquiry?

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A public inquiry is set up to address significant public concern about major events in order to learn the facts of what happened, as well as lessons for the future. They are high profile, emotionally charged

and the focus of intense media scrutiny. Appearing before one can be a daunting experience – whether you are an individual, senior professional, public official, major corporation or public sector body.

## Being a witness or core participant in a public inquiry

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You may be asked by the inquiry to provide evidence as a witness. You may also apply to be designated a core participant if (a) you played a direct and significant role in the events under investigation, (b) you have a significant interest in the events, or (c) you face potential criticism when the

inquiry publishes its final report. Being a core participant may mean that you face greater scrutiny, but you will have the advantage of being able to access the inquiry's evidence and engage fully in the process, for example, by making legal submissions.

***“Legal advice is always given with an awareness and deep experience of the wider legal context (in our case, public inquiries) and a sensitivity to the client's objectives.”***

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## Protecting your interests during a public inquiry

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We understand that you will have wider interests at stake, be they reputational, professional, commercial or financial, or engagement with particular interest groups, and we can carefully help you chart a course which focuses on those concerns, alongside the immediate demands of the inquiry.

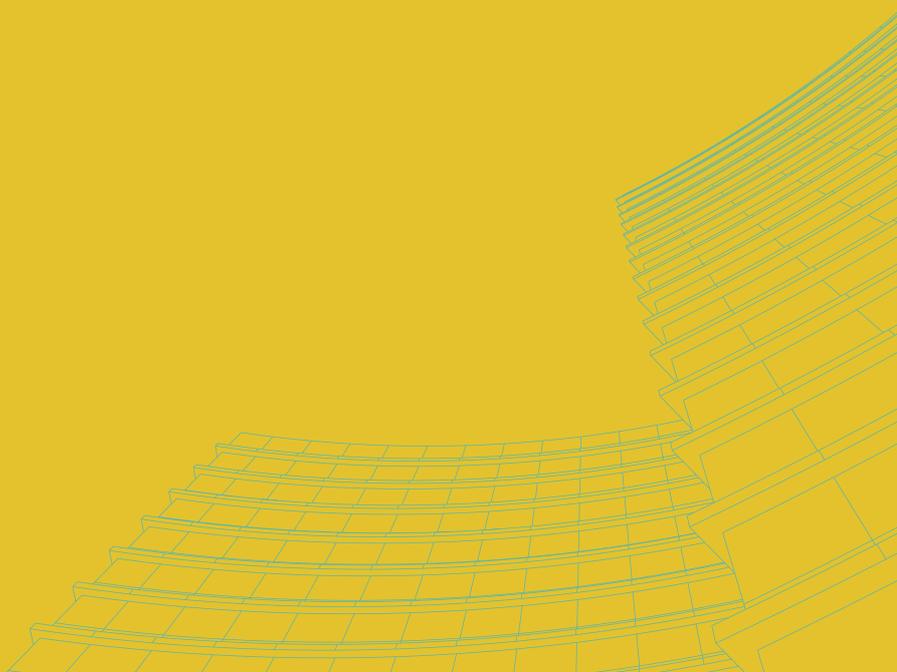
We will work very closely with you to gain complete insight into your situation from the outset. The breadth of our expertise means

that you can be confident that your interests are taken care of; from initial contact with the inquiry and assisting you to prepare your evidence, to ensuring you are ready to appear at a hearing, as well as taking care of your reputation throughout.

We have substantial experience of working with inquiry solicitors to ensure information/data protection rights are conserved.

***“They are easy to get hold of, very agile and speak plainly about what outcomes are likely and what are reasonable, which is really helpful in delicate situations.”***

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# Frequently asked questions regarding public inquiries

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## 1 How is a public inquiry established?

A Government minister may establish a statutory public inquiry following events of public concern. A non-statutory inquiry may be established by any individual or organisation, but will not have the powers available to a statutory inquiry.

The circumstances leading to the launch of a public inquiry are varied. Often, these will involve significant failures in public systems and services which could not be, or were not, resolved through existing processes. The purpose and scope of an inquiry is set out in its Terms of Reference, which will be drafted at the outset. A Chair, and sometimes a panel, will be appointed along with administrative and legal support.

## 2 What powers does a public inquiry have to compel the provision of evidence?

A statutory public inquiry has a range of powers available to it, such as compelling individuals or organisations to provide documents and other evidence (including in the form of a witness statement) to the inquiry.

The inquiry can also require people to attend a public hearing to provide oral evidence. It is a criminal offence not to comply with a statutory notice from the inquiry or to otherwise distort, suppress, conceal, alter, destroy evidence, or otherwise prevent relevant evidence from being given.

## 3 What is the outcome of a public inquiry?

A report will be published at the conclusion of a public inquiry setting out the summary of the Inquiry's factual findings based on the evidence gathered during the course of the investigation. The published report will also include a set of recommendations. These have no binding force and the extent to which they will be subsequently implemented will depend on a number of factors. Interim report(s) may also be published at appropriate intervals.

## 4 Will you be warned if you are to be criticised in a public inquiry?

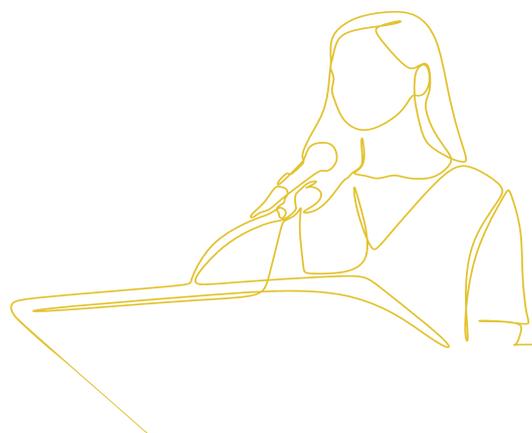
If any individual or organisation is to be criticised in the inquiry proceedings or any report, they are usually informed prior to the criticism being made public. When drafting the report, individuals and organisations are given an opportunity to make representations concerning any proposed criticisms of them. An inquiry does not have powers to determine the civil or criminal liability of any individual or organisation.

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**5 How much of a public inquiry is in the public domain?**

The Chair of a statutory public inquiry must ensure that members of the public and the press can attend (or otherwise view) the hearings, and access documents and a record of oral evidence provided to the Inquiry. In practice, most public inquiries will have a comprehensive website upon which relevant documentary evidence will be published, along with links to live video footage of the oral evidence given during hearings. The final and interim reports will also be published.

In a statutory public inquiry, restrictions may be imposed upon attendance by the public at inquiry hearings or publication of documents or evidence in very narrow circumstances where publication may cause harm or damage.



## Meet our Public Inquiry team

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Led by Sophie Kemp, and with partners Stephen Parkinson, Adam Chapman, Emily Carter and Nick Wrightson, our team draws on a deep pool of expertise in public inquiries that extends across the firm and includes members of our regulatory, dispute resolution, clinical negligence and criminal litigation teams. This allows us to deploy a substantial and truly experienced public inquiry team.

Our public inquiry solicitors have acted, generally representing core participants and key witnesses, in many of the major inquiries of recent years. Currently, we are acting for clients in (among others) the Independent Inquiry into Child Sexual Abuse, the Grenfell Tower Inquiry and the Undercover Policing Inquiry.

***"Sophie Kemp – she really listens and understands where clients are coming from and provides sound advice."***

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***"It has been a pleasure to work with you on this matter. Your advice on the way in which the witness statement is worded, also importantly, reflects my sincere intention to do all that I can to support the Inquiry's aims and objectives."***

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# Our Team

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