

Magnox Inquiry

Protocol relating to the giving of evidence to the Inquiry and inclusion of critical comments about a person in the Inquiry's report

1. On 27th March 2017 the Secretary of State for Business, Energy and Industrial Strategy announced that there was to be an independent inquiry, led by Steve Holliday, into the award of the Magnox decommissioning contract by the Nuclear Decommissioning Authority (NDA) and its subsequent termination ("the Magnox Inquiry"). The full terms of reference are available on the gov.uk website (see: www.gov.uk/government/speeches/nda-settlement-contract-termination-and-inquiry).
2. The timescale and procedures set out in this protocol may be departed from where necessary to ensure the proper and efficient running of the Inquiry or in light of experience of the operation of this protocol. The Inquiry will only depart from the timescale and/or procedure if in the Inquiry's view the new timescale and/or procedure continues to ensure fairness towards the witness or other person affected.

Document assistance interviews

3. The first type of interview the Inquiry is likely to hold are document assistance interviews. Their purpose will be to assist the Inquiry in understanding how to read documents in its possession, to help it locate documents it believes may exist but have not yet been obtained by the Inquiry or to help it exclude documents which are not of relevance to the Inquiry. These will help the Inquiry ensure it has, and is able to make best use of, relevant documents.
4. The Inquiry will give those invited to a document assistance interview at least seven days' notice, identifying the document, or types or subject area of documents, the Inquiry is seeking information about.
5. The Inquiry expects that most, if not all, document assistance interviews will be held by telephone. A record of a document assistance interview will be made but the Inquiry does not expect to arrange for a transcript to be produced.

Evidence-gathering interviews

6. The second type of interview the Inquiry is likely to hold are evidence - gathering interviews. These are interviews with people who the Inquiry considers may have evidence to provide that is relevant to the terms of reference to which the Inquiry is working. For instance the Inquiry may wish to ask someone about why a decision that is relevant to the Inquiry's terms of reference was made. Examples of people whom the Inquiry may approach include those who were employed by the NDA and worked on the procurement and/or management of the contract that is the subject of the investigation and those who advised the NDA on the procurement and/or management of the contract. But the Inquiry may approach anyone who the Inquiry considers has relevant information to give.
7. Evidence - gathering interviews are likely to be held face to face. They will be held in private. The Inquiry will arrange for the interview to be transcribed. The transcript will be produced within 5 days. The interviewee will be given the opportunity to review the transcript when matters are fresh in their mind and, where appropriate, identify to the Inquiry any inaccuracies in the evidence given. Any inaccuracies identified will be referred to in a footnote to the transcript. The Inquiry may also arrange for a summary of the interview to be produced.
8. Those invited to an evidence - gathering interview will be given a minimum of seven days' notice of the issues that they will be asked questions about, and the substance of the evidence relevant to those issues. Of course, if the interviewee considers they have information about other issues relevant to the Inquiry's terms of reference, they will have the opportunity during the interview to give that information.
9. The Inquiry understands that attending an evidence-gathering interview may be nerve-racking. All those invited to attend one may bring someone with them. There is no restriction on whom that companion may be except that the attendance of the companion at the interview should not have a disruptive or detrimental effect on the Inquiry's work, most obviously because that person may themselves be interviewed by the Inquiry. The companion will also need to be appropriately security cleared to the extent that the interview may have recourse to sensitive or classified material. The Inquiry will also ask interviewees and their companions not to share with those not present at the interview information about the questions asked and the answers given in the interview (except to the extent the Inquiry has indicated that doing so does not give rise to the risk of detriment to the Inquiry's work or is otherwise appropriate in the circumstances).

Will those who are subject to criticism in the Inquiry's report be given the chance to provide comments on those criticisms before the report is finalised?

10. Where a draft report has been prepared by the Inquiry which criticises a person that person will be given the chance to comment on the proposed criticism before the report is finalised.

The Magnox Inquiry