

Magnox Inquiry

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

Purpose of the Addendum

This addendum sets out the process by which those whom the Inquiry is considering criticising in its final report will have the opportunity to comment on proposed criticisms before the report is finalised. This includes giving more detail about the process referred to in paragraph 10 of the original protocol.

Addendum

1. If the Inquiry is considering criticising a person (which may include a body) in its report, it will invite that person to an interview where those criticisms will be put and the person will be invited to comment on them (including saying why, if they do, they disagree with the criticism.)
2. In preparation for that interview (a "potential criticism interview"), the person will be sent a letter setting out the potential criticism at least two weeks in advance. The person will also get documents pertinent to the potential criticism. The Inquiry will not be notifying Inquiry contact points (such as the NDA Inquiry Liaison team) that an individual has been invited to a potential criticism interview. It is for the individual concerned to decide who to inform.
3. An individual invited to an interview may bring up to two companions; if two are brought, one of them should be a lay companion for pastoral support and the other for professional advice (such as a union representative or a lawyer). A body may be represented by up to two people who may, additionally, be accompanied by a single companion.
4. The Inquiry will then consider, having regard to the available evidence, including that coming from the potential criticism interview process, whether it considers the criticism should be included in the report.

5. The report will then be subject to a representations¹ process, ie those that the Inquiry proposes to criticise in the report (if any) will have an opportunity to comment in writing on the criticism before the report is finalised. The Inquiry is likely to do that by sending relevant extracts from the draft report to those subject to the criticism. Again, the Inquiry will not be notifying the relevant Inquiry contact point (if any) that an individual is being sent a criticism to comment on because it is for that individual to decide whom to inform.
6. In providing a criticism for comment under the representations process, the Inquiry will take a view in each case as to how long it is appropriate to give a person to respond. That will take account of the nature and complexity of the criticism and how much existing knowledge the person has of the criticism and the basis for it, including from the potential criticism interview process.
7. Comments from the representations process will be considered and then the report will be finalised.
8. The overall intention is to ensure fairness, in particular that a person has the opportunity to respond to a criticism being considered for inclusion in the report prior to the report being finalised.
9. The Inquiry intends the above to be the process it follows but it cannot rule out changes being made to the process where it comes to the view those changes are necessary or expeditious. If any changes are made, the Inquiry will ensure that the process remains fair to those affected by it.

The Magnox Inquiry

¹ The representations process is often known as Maxwellisation.