

Protocol on the role and appointment of Assessors

1. The purpose of this protocol is to outline the role of Assessors appointed under section 11 of the Inquiries Act 2005 (“the 2005 Act”). It also explains who may appoint Assessors.

Role of Assessors

2. The Assessors will have expertise in respect of one or more areas relevant to the terms of reference of the Inquiry.
3. The Chair may ask an Assessor to give him any assistance in relation to any matter relevant to the Inquiry within the scope of the Assessor’s expertise.
4. During the preparation phase of the Inquiry, the Assessors will be expected to familiarise themselves with the Terms of Reference and the areas that the Inquiry will seek to investigate which are within their area of expertise. This is likely to involve reading relevant documents, witness statements and experts’ reports. The Assessors may be asked to advise on matters related to those expert reports, potential avenues of inquiry, chair seminars in any area of their expertise, etc.
5. During the oral hearings, when evidence is being taken in relation to matters within the scope of their expertise, Assessors will be expected to attend hearings, follow any live-streaming or, where this is not possible, read the transcript. Assessors will not ask questions of witnesses, but they may be

asked to confer with and suggest lines of questioning to Counsel to the Inquiry on matters falling within their area of expertise.

6. In preparing the report to the Scottish Ministers (including any preliminary report), the Chair may ask the Assessors to consider provisional recommendations falling within their area of expertise. Any recommendations, conclusions, etc., made in the report to the Scottish Ministers remain a matter for the Chair to determine.
7. The Chair expects that most advice and assistance will be given informally, but if he obtains formal advice in writing from an Assessor which he intends to take into account in reaching his decision, he will provide a copy to the Core Participants and publish it on the Inquiry's website, unless he considers that it would be inappropriate to do so.
8. The Core Participants may submit observations about the formal advice to the Inquiry within 3 working days of receipt, subject to any extensions granted by the Chair.
9. No Assessor may give evidence to the Inquiry and no Assessor will be asked questions or be cross-examined at the Inquiry.
10. Any issues arising during the course of the Inquiry in relation to the Assessors should be raised directly with the Chair.

Appointment of Assessors

11. One or more Assessors may be appointed to assist the Chair on matters related to the Terms of Reference for the Inquiry.
12. Before 30 November 2020 (the setting-up date of the Inquiry), a person can be appointed as an Assessor by the Scottish Ministers, following consultation with the Chair. During the course of the Inquiry, the Chair may appoint further Assessors.

13. A person may only be appointed as an Assessor if it appears to the Scottish Ministers or the Chair that the person has expertise that makes them a suitable person to provide assistance to the Chair.

14. The Scottish Ministers have appointed 2 Assessors: Raju Bhatt and Michael Fuller QPM. Further details of the appointments can be found on the Inquiry website.

Issued under the authority of the Chair on 30 November 2020.